

Schedule – Amendments to the September 2024 Delay Attribution Principles and Rules

Originators Reference Code / No [For DAB input]	DAB P384										
Name of the original sponsoring organisation(s)/ point of contact	Delay Attribution Board <div style="background-color: black; height: 15px; width: 250px; margin-top: 5px;"></div> <div style="background-color: black; height: 15px; width: 350px; margin-top: 5px;"></div>										
Exact details of the change proposed	<p><i>Add new DAPR Scenarios N.4.1.o and p as below:</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center; vertical-align: top;">o</td><td style="width: 60%; padding: 5px;">Passengers falling/collapsing onto the platform during the course of boarding or alighting from a train (including when train movements are halted in consequence)</td><td style="width: 15%; text-align: center; vertical-align: top;">RY/VD</td><td style="width: 20%; padding: 5px;">Operator of train involved (R##*/V##*) – incident classed as occurring on board</td></tr> <tr> <td style="text-align: center; vertical-align: top;">p</td><td style="padding: 5px;">Platform closures for safety or security reasons relating to passenger behaviour on board a train (including when train movements are halted in consequence)</td><td style="text-align: center; vertical-align: top;">V* (as relevant to incident)</td><td style="padding: 5px;">Operator of train involved (V##*) – incident classed as occurring on board</td></tr> </table>			o	Passengers falling/collapsing onto the platform during the course of boarding or alighting from a train (including when train movements are halted in consequence)	RY/VD	Operator of train involved (R##*/V##*) – incident classed as occurring on board	p	Platform closures for safety or security reasons relating to passenger behaviour on board a train (including when train movements are halted in consequence)	V* (as relevant to incident)	Operator of train involved (V##*) – incident classed as occurring on board
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p	Platform closures for safety or security reasons relating to passenger behaviour on board a train (including when train movements are halted in consequence)	V* (as relevant to incident)	Operator of train involved (V##*) – incident classed as occurring on board								
Reason for the change	<p>DAB believe that it is a well-established principle that passenger train operators are fully responsible for delay incidents stemming from passenger activity that originates from on board their services, even when this extends into a station platform. For example, existing Process and Guidance Document PGD06 on application of Joint Responsibility states explicitly that the usual considerations for considering whether a station incident qualifies for Joint Responsibility cannot apply if the incident in question originated on board a train - these are 100% responsibility of the TOC involved regardless of the subsequent impact on station operations.</p> <p>Furthermore, DAB also believe that the principle that passengers are considered to be “on board” if they cause delay (most obviously via a slip/trip/fall) whilst in the course of boarding or alighting from a train is another well-established</p>										

	<p>one. DAPR principle N9.1.e has long since covered this principle (albeit it is specifically concerned with passengers falling between the train and the platform rather than fully onto the platform).</p> <p>Notwithstanding the above, the DAB Secretary has been made aware of a limited number of disputes that have arisen in recent years where station operating delay principles have been cited without cognisance of the fundamental point that the incident in question originated on board a train.</p> <p>On consideration, this is felt to be at least partly a consequence of the fact that, notwithstanding references elsewhere in DAPR, this is not currently documented within Section N4 – “Passenger Related Incidents” – even although this could reasonably be expected to be where readers first turn to for guidance on such issues.</p> <p>As such, it is hoped that by adding some typical scenarios that may occur as a symptom of an issue that originates on-board (including falls during the course of boarding/alighting) to Section N4.1 on passenger-related issues, these principles will become more prominent within DAPR and add clarity for readers.</p>
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1. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No

2. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Industry Responses

Network Rail	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN.
DAMG	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN

Secretary Note	N/A
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Board Consultation	No comments had been forthcoming from the consultation, and with no further issues raised by members, the proposal was approved for referral to ORR as originally written.
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Originators Reference Code / No [For DAB input]	DAB P385
Name of the original sponsoring organisation(s)/ point of contact	Delay Attribution Board [REDACTED] [REDACTED]
Exact details of the change proposed	<p><i>Replace paragraph F1.3, including a change of heading, as below:</i></p> <p>F1.3 Application of the autumn Attribution Process</p> <p>The period during which this guidance should apply will normally be aligned to the commencement and cessation of the route railhead treatment programme undertaken by Network Rail. E.g. autumn attribution can be “turned on or off” by joint agreement where adhesion related delays on a route are observed, predicted, reported or apparent in line with the prevailing conditions as per individual agreements for managing the adhesion delays between Network Rail and operators.</p> <p>F1.3 Adhesion principles during and outside of “Autumn”</p> <p>The scenarios covered in Section F can mainly be expected to occur within the “Autumn” period, which in this context specifically refers to the window during which the programme of railhead treatment activity undertaken by Network Rail is planned to take place.</p> <p>However, the same principles – including those illustrated in flowchart F1.6.1 – equally apply to adhesion events associated with autumnal conditions that occur outside of this formal timeframe.</p> <p>It should be remembered, however, that some of the considerations for attribution covered in this document are far less likely to be pertinent outside of “Autumn” than within it (i.e. it is highly unlikely that railhead treatment will have been planned outside of the defined period).</p>
Reason for the change	DAB understand that uncertainty continues to exist on the subject of whether DAPR Section F should be applied to issues of adhesion in autumnal conditions but which do not arise within the recognised industry “Autumn” period.

	<p>Whilst the intention of Section F1.3 has always been to cover the point that these principles do also apply outside of Autumn, references to them “normally” applying in Autumn and that they “can be turned on or off” have perhaps proved to be more confusing than helpful (with the latter phrase implying erroneously that the application of the principles in Section F are somehow optional/discretionary)</p> <p>The proposed change to F1.3 will hopefully make more explicit:</p> <p>a) What is meant by “Autumn” in industry operational and attribution terms</p> <p>b) That the principles in DAPR should be applied both within and outside of “Autumn”, albeit some considerations in adhesion flowchart F1.6.1 are far less likely to be relevant outside of Autumn than they are within it.</p>
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3. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No

4. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Industry Responses

Network Rail	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN.
DAMG	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN

Secretary Note	N/A
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Board Consultation	No comments had been forthcoming from the consultation, and with no further issues raised by members, the proposal was approved for referral to ORR as originally written.
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Originators Reference Code / No [For DAB input]	DAB P386
Name of the original sponsoring organisation(s)/ point of contact	Delay Attribution Board [REDACTED] [REDACTED]
Exact details of the change proposed	<p><i>Add a new sub-paragraph E4.6.1 as below (new text in red – existing paragraph E4.6 included for context only):</i></p> <p>E4.6 In circumstances where a threshold section delay is demonstrated to be a combination of known separate causes then this delay should be split into relevant sized delays and attributed to incidents with appropriate Delay Codes describing the cause. For example, a 3-minute delay split to 1 minute in IR due to a TSR and 2 minutes in RB due to passengers loading.</p> <p>E4.6.1 In instances where an alerted threshold section delay is demonstrated to consist of a combination of loss in running and overtime at intermediate stations but no cause can be identified for one or both elements, delays should be allocated as a single entity, in accordance with the principles in Section E2, in the first instance. If separate causes for different elements of the delay are subsequently identified, delays should then be reallocated to appropriate incidents in accordance with E4.6 above.</p> <p>The exception to the above is for published, boarded, speed restrictions where the timeloss impact has been calculated in advance.</p>
Reason for the change	<p>A need for a consistent industry approach to the management of section delays which consist of a combination of loss in running and overtime at intermediate stations has been identified. Existing DAPR section E4.2 is clear that, when individual different causes are identified for a given section delay, the appropriate number of minutes should be allocated against each separate cause. However, it has not previously commented on the process for allocating delays that can be seen to consist of different elements but where no cause for these can be identified upon investigation. This can lead to such delays being treated inconsistently.</p> <p>The new proposed wording will clarify that such delays do not need to be broken down into separate elements (e.g. a 4 minute passenger train section delay consisting of 3 minutes</p>

	<p>loss in running and 1 minute station overtime for which no cause can be found should be allocated as a four-minute “TO” delay with there being no requirement to allocate the final minute to a separate “R8” incident). However, in the event that causes are subsequently identified for such incidents, E4.6 will still apply (i.e. the delay should be split between different incidents that explain the three and one-minute elements).</p> <p>Note that Section E2, referenced in the new text, is the section on “Delay not apparently due to Network Rail”. This has been referenced to emphasise that delays allocated under this new principle must still be subject to full investigation by Network Rail before being allocated as Train Operator responsibility.</p>
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5. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No

6. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Industry Responses

Network Rail	<p>C. NO, UNLESS SUGGESTED AMENDMENT IS APPLIED</p> <p>Whilst Network Rail are in agreement with the basic principle here, it feels that an exception needs to be applied for speed restrictions where an associated expected time loss has been calculated in advance of delays occurring (i.e. a planned TSR or an ESR which is fully boarded and cautioning is no longer required).</p> <p>This is the one scenario where an expected timeloss has been quantified and it would not be logical or fair to allocate delay in excess of this to the associated incident.</p> <p>Network Rail would therefore ask that an additional sentence is added to the end of the proposed section E4.6.1 stating that “<i>The exception to the above is for published, boarded, speed restrictions where the timeloss impact has been calculated in advance</i>”.</p>
DAMG	<p>B. YES, BUT AMENDMENT(S) TO THE PROPOSAL ARE RECOMMENDED</p> <p>Whilst the principle of this proposal is accepted by the respondents it is noted that this proposal will have a financial consideration on industry parties. Currently the industry works to a principle of reactionary delay being allocated to the largest prime cause and a tendency when a train loses time due to an incident, not to analyse the duration of the primary, rather to accept it.</p> <p>As an example, a train arrives into a platform 4 mins late due to a points failure, the train TRTSs straight away but another late running train is given priority for 4mins, before the route clears, as the train hasn't departed passengers are taking the opportunity to board the train, meaning that the train departs 9 late.</p> <p>Currently all the mins would be coded to the regulation as the largest cause, but this proposal would require 4mins to regulation and 1 min of station overtime. Thus resulting in any reactionary now being applicable to both 4min delays.</p> <p>We support the improvement in data quality this guidance enables but request that examples of what are acceptable levels of subthreshold allocation are, and also examples where it is not acceptable</p> <p>It is our concern that inconsistent application will be done not for the purpose of improvement, but to change accountability</p>

Secretary Note	<p>Network Rail’s argument that boarded speed restrictions should be exempt from the basic principle is based on the logic that this is the only form of delay event where an expected timeloss is mathematically calculated in advance of trains actually running for use in attribution. Certainly, there may be other forms of delay where people may feel able to quantify the reasonable/expected impact but not to the same degree of precision or consistency.</p> <p>Members will need to consider the pertinence of the DAMG feedback to this proposal as it appears to relate to concerns that a delay with multiple <u>known</u> causes (including reactionary minutes) would be accounted for differently if this proposal was to be applied, whereas the intention of the proposal is purely to counter the excess use of codes TO and T8 for elements of a section delay where no cause is known.</p>
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Board Consultation	<p>The Board agreed that the caveat requested by Network Rail was valid for the reasons explained in their proposal response. It was therefore agreed that the text <i>“The exception to the above is for published, boarded, speed restrictions where the timeloss impact has been calculated in advance”</i> should be added to the end of the proposed new paragraph E4.6.1 – exactly as proposed by Network Rail.</p> <p>Whilst the comments provided by DAMG were also given full consideration by the Board, it was determined that the concerns and suggestions raised were not directly relevant to this proposal. Specifically, the scenario presented by DAMG in their response is concerned with the allocation of delays associated with multiple <u>known</u> causes in a single section whereas this proposal is specifically concerned with section delays where causes are <u>not known</u>, even if can be observed that they consist of different elements.</p> <p>As such, no further amendments to the proposal were deemed appropriate in relation to the DAMG comments. However, it has been agreed that the Board will look to develop new guidance on the attribution of section delays consisting of multiple elements as a separate new workstream, to address any uncertainty on attribution principles.</p> <p>It was therefore agreed that the proposal be forwarded to ORR for approval subject to the addition of the caveat recommended by Network Rail within E4.6.1.</p>
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Originators Reference Code / No [For DAB input]	NR P234							
Name of the original sponsoring organisation(s)/ point of contact	Network Rail 							
Exact details of the change proposed	<p><i>Amend the Long and Short descriptions of Delay Code "OT" in Section 5 of DAPR as below:</i></p> <table border="1"> <tr> <td>OT</td><td>Operational Safety TSR/ESR implemented for Operational Safety reasons and/or sighting issues relating to foot crossings, level crossings or signals (Not vegetation caused)</td><td>SIGHT TSR OPS SPEED</td></tr> </table> <p><i>Also add a new scenario O18.4.p as below:</i></p> <table border="1"> <tr> <td>p.</td><td>TSR/ESR imposed for the stated reason of "Safety – Operational Restriction"</td><td>OT</td><td>Network Rail (OQ**)</td></tr> </table>	OT	Operational Safety TSR/ESR implemented for Operational Safety reasons and/or sighting issues relating to foot crossings, level crossings or signals (Not vegetation caused)	SIGHT TSR OPS SPEED	p.	TSR/ESR imposed for the stated reason of "Safety – Operational Restriction"	OT	Network Rail (OQ**)
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Reason for the change	<p>Network Rail have noted a small but material increase in the number of Temporary Speed Restrictions described in the Weekly Operating Notice as being "Safety - Operational Restriction[s]". NR do not believe that clear guidance on how to allocate such incidents is currently in place.</p> <p>This categorisation of TSR appears to be being used to cover a number of disparate safety-related issues. Until this point, Network Rail has been endeavouring to code the associated incidents (where P-code allowance does not exist) to the most appropriate pre-existing delay code on a case-by-case basis (e.g. XN for TSRs imposed due to concerns over the impact of crossing misuse).</p> <p>However, it is now felt that there is a need for DAPR to formally define how such incidents are allocated on the basis that:</p> <p>a) The number of instances/range of scenarios covered by "Safety – Operational Restriction" TSRs is evidently on the increase.</p> <p>b) Despite these being specifically defined as "operational" restrictions, some of the associated TRUST incidents have been allocated to non-operational delay codes.</p> <p>c) Certain causes (e.g a recent TSR that was imposed via an ORR mandate to ensure that drivers who may be more familiar with tilting stock</p>							

	<p>remembered to drive at slower speed when driving non-tilting stock around a curved section of line) do not have a clear, available cause code. Specifically in the context of this particular example, there is no DAPR basis/precedent for allocating TSRs as TOC (and certainly not as ORR) responsibility.</p> <p>As such, Network Rail are of the view that the allocation of “Safety – Operational Restriction” TSR’s should be restricted to one defined delay code within the “Network Rail Operating Causes” O* series , for simplicity and to bring principles into line with all other categories of TSR.</p> <p>Furthermore, it is believed that this can best be achieved by amending and expanding the definition of existing delay code “OT” which is already referred to in DAPR as being for “Operational Safety” TSR’s but presently only those specifically involving sighting issues. Redefining this code so that it covers <u>all</u> instances of Operational Safety TSR is felt to be preferable to adding an entirely new code for the same purpose.</p> <p>This proposal will therefore amend the current description of code OT to make this clear and add a new scenario within Section O18 (on speed restrictions) illustrating its use. Since there are limited scenarios where an Emergency Speed Restriction could be imposed on the same basis, references to ESRs are also included in the proposed wording.</p>
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Industry Responses

Network Rail	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN.
DAMG	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN

Secretary Note	N/A
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Board Consultation	No comments had been forthcoming from the consultation, and with no further issues raised by members, the proposal was approved for referral to ORR as originally written.
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Originators Reference Code / No [For DAB input]	NR P235																							
Name of the original sponsoring organisation(s)/ point of contact	Network Rail <div></div> <div></div>																							
Exact details of the change proposed	<p>Replace the references to “notwithstanding scenario a” in DAPR clauses K7 c, d and e with “if opportunities to mitigate via subsequent regulation, per scenarios a and b, did not exist”. [Full Table K7 shown below for context]:</p> <p>K7 Regulation of early running trains</p> <table><tr><td>No.</td><td>Circumstances</td><td>Delay Code</td><td>Incident Attribution</td></tr><tr><td>a.</td><td>Train running early and out of path (any reason) and regulating error occurs at point of delay (i.e. early train could have been held at that point causing no delay)</td><td>OB</td><td>Attribution to LOM code controlling section that regulation error occurred (OQ**)</td></tr><tr><td>b.</td><td>Train running early and out of path that could have been held at a prior regulating point where no delay would have occurred (no regulating error at point of delay)</td><td>OC</td><td>Attribution to LOM code controlling section where train could have been held Note – if the section is on another Route then Section B6.17 applies (OQ**)</td></tr><tr><td>c.</td><td>Train running early and out of path on control agreement. (notwithstanding scenario a) if opportunities to mitigate via subsequent regulation, per scenarios a and b, did not exist</td><td>OD</td><td>Attribution to go to the Control Manager that agreed running early (OQ**)</td></tr><tr><td>d.</td><td>Train running early and out of path due to a Driver/Shunter request that signaller agrees to (i.e. not processed through Control) (notwithstanding scenario a) if opportunities to mitigate via subsequent regulation,</td><td>OC</td><td>Attribution to LOM code controlling the 'box that allowed early running (OQ**)</td></tr></table>				No.	Circumstances	Delay Code	Incident Attribution	a.	Train running early and out of path (any reason) and regulating error occurs at point of delay (i.e. early train could have been held at that point causing no delay)	OB	Attribution to LOM code controlling section that regulation error occurred (OQ**)	b.	Train running early and out of path that could have been held at a prior regulating point where no delay would have occurred (no regulating error at point of delay)	OC	Attribution to LOM code controlling section where train could have been held Note – if the section is on another Route then Section B6.17 applies (OQ**)	c.	Train running early and out of path on control agreement. (notwithstanding scenario a) if opportunities to mitigate via subsequent regulation, per scenarios a and b, did not exist	OD	Attribution to go to the Control Manager that agreed running early (OQ**)	d.	Train running early and out of path due to a Driver/Shunter request that signaller agrees to (i.e. not processed through Control) (notwithstanding scenario a) if opportunities to mitigate via subsequent regulation,	OC	Attribution to LOM code controlling the 'box that allowed early running (OQ**)
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	e.	Train running early and out of path as a direct result of a known incident – e.g. diverted via quicker route. (not withstanding scenario a) if opportunities to mitigate via subsequent regulation, per scenarios a and b, did not exist	Prime cause incident	Attribution to the incident causing early running.	
Reason for the change	<p>The current wording of the above clauses, and particularly use of the term “not withstanding” within them, is being misinterpreted and requires amendment.</p> <p>The intention of the caveat “not withstanding scenario a” is to reinforce that failures to mitigate/prevent delay arising in consequence of an early run represent a new prime cause for attribution purposes. However, this has (understandably) been interpreted to the contrary – with some readers assuming that the clauses c, d and e take precedence over a (i.e. the later clauses should be applied even if the conditions of clause a have been met).</p> <p>Although the revised wording proposed is less succinct than the current version, it is believed that it will remove any dubiety on the principles for attributing delays associated with the early running of trains. Specifically:</p> <p>The early running scenarios c-e should only be considered as “prime cause” if opportunities to mitigate/prevent delay by subsequent regulation did not exist.</p> <p>Scenario B (a failure to mitigate delay in an area prior to where the delay actually occurred) should also be referenced as a potential failure to mitigate the impact of early running.</p>				

7. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No – Internal Network Rail attribution issue only

8. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Industry Responses

Network Rail	A.YES, PROPOSAL IS AGREED WITH AS WRITTEN.
DAMG	A.YES, PROPOSAL IS AGREED WITH AS WRITTEN

Secretary Note	N/A
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Board Consultation	No comments had been forthcoming from the consultation, and with no further issues raised by members, the proposal was approved for referral to ORR as originally written.
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Originators Reference Code / No [For DAB input]	NR P236										
Name of the original sponsoring organisation(s)/ point of contact	Network Rail <div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div>										
Exact details of the change proposed	<p><i>Amend the definition of External Events (i.e. those in the X* series) in Section S of DAPR as below:</i></p> <p>X – EXTERNAL EVENTS - NETWORK RAIL</p> <p>Abbreviated Departmental Cause Codes: EXT</p> <p>These codes cover events considered to be outside the control of the Rail Industry (or the result of actions undertaken by non-Track Access Parties that are of the industry but cannot be contractually held responsible for delay). , but normally These are attributable to Network Rail under the Track Access Performance Regime.</p> <p><i>Also amend the long and short descriptions of delay code XE in DAPR Section S as below:</i></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;">XE</td><td style="width: 70%;">Emergency GSM-R call raised outside the Network Rail network (made by a non track access party and/or in respect of a legitimate safety related issue arising outside of NR Infrastructure)</td><td style="width: 20%; text-align: center;">GSM-R EXT NON-TAC</td></tr> <tr> <td></td><td style="color: red;">Fleet-related safety issues (including GSM-R calls) originating from outside of the Network.</td><td></td></tr> </table> <p><i>Add a new scenario H3.3.h (within this section on off-network operating incidents) as below:</i></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;">h</td><td style="width: 60%; color: red;">Unauthorised ingress of fleet which is not under the control of a Track Access Party onto the network.</td><td style="width: 10%; text-align: center;">XE</td><td style="width: 20%; color: red;">Network Rail (XQ**)</td></tr> </table>	XE	Emergency GSM-R call raised outside the Network Rail network (made by a non track access party and/or in respect of a legitimate safety related issue arising outside of NR Infrastructure)	GSM-R EXT NON-TAC		Fleet-related safety issues (including GSM-R calls) originating from outside of the Network.		h	Unauthorised ingress of fleet which is not under the control of a Track Access Party onto the network.	XE	Network Rail (XQ**)
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h	Unauthorised ingress of fleet which is not under the control of a Track Access Party onto the network.	XE	Network Rail (XQ**)								
Reason for the change	A limited number of scenarios have recently arisen relating to the unauthorised ingress of railway fleet that is not operated by a Track Access Party onto Network Rail infrastructure. In one such scenario, a shunt move which should have taken place entirely within a confines of a depot moved onto the network due to driver error and, in another, a handbrake defect resulted in a shunter loco rolling out of a yard and onto the network.										

	<p>DAPR is currently silent on how such issues should be allocated although, since attribution principles are based on responsibility for such issues either lying with Network Rail or a Train Operator, there is no scope to allocate responsibility for these incidents to the non-TAC party involved</p> <p>It is therefore proposed that these incidents must logically be classed as “External” (i.e. default Network Rail responsibility). Since the maintainers/fleet owners are part of the rail industry in general terms, a minor amendment to the existing definition of External codes (to qualify that not all such incidents are “outside the control of the Rail industry” in broad terms) is deemed helpful.</p> <p>Rather than proposing the introduction of a new delay code for these relatively infrequent issues, it is instead proposed that the pre-existing code “XE” is expanded/redefined to cover these scenarios. This code currently relates exclusively to issues with GSM-R calls that are initiated by non-TAC parties from off-network locations but which impact the operation of trains on the network. In this sense, it has clear links with the above new scenarios as matters involving the interaction of railway traction that has no contractual right to be on the network but still ultimately impacts its operation.</p>
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9. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No

10. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Industry Responses

Network Rail	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN.
DAMG	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN

Secretary Note	N/A
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Board Consultation	No comments had been forthcoming from the consultation, and with no further issues raised by members, the proposal was approved for referral to ORR as originally written.
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Originators Reference Code / No [For DAB input]	NR P237																										
Name of the original sponsoring organisation(s)/ point of contact	Network Rail <div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div>																										
Exact details of the change proposed	<p><i>Add a new Section K11 to DAPR as below:</i></p> <p>K11 – Delays due to the application of local signalling instructions</p> <table border="1"> <thead> <tr> <th>No.</th><th>Circumstances</th><th>Delay Code</th><th>Incident Attribution</th></tr> </thead> <tbody> <tr> <td>a.</td><td>Local instruction correctly applied for general, non-fleet specific safety purposes (including those associated with permissive working at stations)</td><td>OR</td><td>Network Rail LOM code (OQ**)</td></tr> <tr> <td>b.</td><td>Local instruction correctly applied to mitigate the impact of a known Accepted Design Limitation with an infrastructure asset</td><td>I* (specific to asset involved)</td><td>Network Rail (IQ**)</td></tr> <tr> <td>c.</td><td>Local instruction correctly applied to mitigate adhesion risks (e.g application of a “clear run” policy) during Autumn</td><td>MP/QH/QI (Appropriate to circumstance per DAPR Section F)</td><td>Train Operating Company (M**)/Network Rail (QQ**)/Network Rail (QQ**)</td></tr> <tr> <td>d.</td><td>Local instruction correctly applied to mitigate adhesion risks (e.g application of a “clear run” policy) outside of Autumn</td><td>MP</td><td>Train Operating Company (M**)</td></tr> <tr> <td>e.</td><td>Local instruction correctly applied to mitigate weather-related risks to fleet (where no</td><td>MW</td><td>Train Operating Company (M**)</td></tr> </tbody> </table>			No.	Circumstances	Delay Code	Incident Attribution	a.	Local instruction correctly applied for general, non-fleet specific safety purposes (including those associated with permissive working at stations)	OR	Network Rail LOM code (OQ**)	b.	Local instruction correctly applied to mitigate the impact of a known Accepted Design Limitation with an infrastructure asset	I* (specific to asset involved)	Network Rail (IQ**)	c.	Local instruction correctly applied to mitigate adhesion risks (e.g application of a “clear run” policy) during Autumn	MP/QH/QI (Appropriate to circumstance per DAPR Section F)	Train Operating Company (M**)/Network Rail (QQ**)/Network Rail (QQ**)	d.	Local instruction correctly applied to mitigate adhesion risks (e.g application of a “clear run” policy) outside of Autumn	MP	Train Operating Company (M**)	e.	Local instruction correctly applied to mitigate weather-related risks to fleet (where no	MW	Train Operating Company (M**)
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		operational restriction would otherwise be required)		
	f.	Incorrect application of a local signalling instruction*	OC	Network Rail LOM code (OQ**)
<p><i>*“Incorrect application” in the above context means the application of an instruction to a train that should not have been subject to it or where the operational circumstances did not merit it. In both cases, this should be clear and identifiable at the point of delay and not applied retrospectively in scenarios where regulation that is accordance with the instruction, but which may not have been necessary in retrospect.</i></p>				
Reason for the change	<p>Despite the existence of delay code OR for delays associated with the application of local signalling instructions, DAPR currently lacks detail on when and when not to use the code....at present it is only referenced once (in the context of permissive working within Section K8). This is felt to present a risk of the code being overused, particularly were there is an identified prime cause that the instruction in place specifically to mitigate.</p> <p>It is felt this should be addressed by adding a new clause to DAPR Section K on the regulation and signalling of train, explaining when OR should be used but also capturing likely exceptions.</p>			

11.Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No

12.If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

N/A

Network Rail	A. YES, PROPOSAL IS AGREED WITH AS WRITTEN
DAMG	<p>C. NO, UNLESS SUGGESTED AMENDMENT IS APPLIED</p> <p>Clause B. add in including clear run policy e.g. Not signalling a train up to red on a steep falling gradient, use of stopping mode at high risk level crossing, or restricted aspects on approach to steep rising gradients.</p> <p>Clauses C. & D. a local instruction for an adhesion risk relates to the condition of the rail head, and not the operation of the train, as such removal of references to TOC based accountability needs to occur</p> <p>If there is a fault with the train or the train is working within accepted design limits for the train, then the delays should be coded to the fault, or clause E. applied,</p>
Colas	<p>D. NO, PROPOSAL IS OBJECTED TO OUTRIGHT</p> <p>The Schedule 8 impact of this proposal will, particularly in the Autumn season, have the potential to make particular flows unviable. Ultimately costs will be passed back to customers, making rail freight an unattractive option for their haulage. We are unwilling to bear such costs and delay responsibility where the decision making is entirely out of our control.</p>
DRS	<p>D. NO, PROPOSAL IS OBJECTED TO OUTRIGHT</p> <p>DRS are very concerned by this proposal and its potential wider impact on our business. We envisage that from a Schedule 8 perspective, this could render certain flows commercially unviable, particularly in the Autumn season.</p> <p>The application of clear run policies is outside of the control of the operator. Why therefore should the operator bear the costs and responsibility of the delay impact of that decision making? It is the responsibility of Network Rail to manage trains on the Network.</p> <p>DRS believe that implementation of this change will lead to operators refusing to sign any Autumn Agreements with clear run policies in them. This will therefore promote worse performance on the Network contrary to DAB objectives.</p> <p>DRS believe that this proposal is anti-freight and goes against industry strategy. As a freight operator, we are regularly reassured of our rightful place on the network and the industry desire to accommodate freight trains and the provisions required for them. The government goal to grow the rail freight market will be damaged by this proposal as any increased costs to freight operators will ultimately be passed back to customers in increased rates, further reducing already very tight margins.</p>

Freighliner	<p data-bbox="384 203 963 232">D. NO, PROPOSAL IS OBJECTED TO OUTRIGHT</p> <p data-bbox="384 239 1374 304">In respect to the proposed changes to DAPR K11 parts C and D, these are objected to outright by Freightliner.</p> <p data-bbox="384 344 1382 517">In recent years, clear run policies have been successfully introduced at certain high risk locations for freight services both during and outside of Autumn, where freight trains are at risk of “slipping to a stand” if they are not given a clear route of green signals. The application of the policy is usually at the discretion of the signaller and helps to minimise the likelihood of delay minutes occurring.</p> <p data-bbox="384 560 1390 837">Freightliner does not believe that we should be exposed to the risk of delay minutes being attributed to the operator as a result of a policy being applied that we have no control over in terms of application or its management. Clear Run policies usually form one of the key mitigations delivered by Network Rail as part of Autumn Agreements, which also typically include similar commitments from Operators. The proposed amendment is likely to result in Freight Operators withdrawing from such Autumn Agreements as we will now be exposed to performance risks that we have no control over.</p> <p data-bbox="384 880 1382 1052">In addition to the negative impact this will have on overall performance to other operators on the network, Freightliner believes that this is likely to have further unintended consequences such as forcing operators to unnecessarily reroute these services to avoid these locations or even worse making certain flows no longer commercially viable to operate during Autumn.</p>
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GBRf	<p>D. NO, PROPOSAL IS OBJECTED TO OUTRIGHT GBRf Objection to Proposed Attribution Changes</p> <p>1. Network Rail's Role in Managing Services Network Rail are responsible for managing train services in real time. Signallers have full control over train regulation, enabling them to minimise delays across the entire network. The current delay attribution framework incentivises signallers to prioritise minimising delays, ensuring an efficient system. Removing this incentive risks increasing overall delays, as Freight Operating Companies (FOCs) would have no direct means to minimise delays for which they are held accountable.</p> <p>2. Increased TDA Challenges FOCs frequently challenge allocated TDA incidents due to incorrect root cause identification or inaccurate reaction delay allocation. Any increase in the attribution of delays to FOCs would inevitably result in a rise in TDA disputes. This contradicts the industry's goal of reducing delay attribution workload and would instead increase the burden on both FOCs and Network Rail.</p> <p>3. Costly Benchmark Recalibrations The new control period, which began on 1 April 2024, introduced benchmarks for Network Rail and FOC performance allowances over the next five years. Changes to attribution rules mid-control period would necessitate recalibration of these benchmarks. Specifically:</p> <ul style="list-style-type: none"> • The "FOC on Other" benchmark would need to increase to account for additional third-party delay minutes attributed to FOCs. • The "NR on FOC" benchmark would need to decrease as Network Rail would incur fewer delay minutes. <p>Such recalibrations are complex and require significant consultancy input, leading to substantial costs. These costs would not be supported by FOCs.</p> <p>4. Risk to Freight Business and Environmental Impact This proposal could render certain key freight flows, such as Grain - Colnbrook aviation fuel, economically unviable. This particular flow has operated for a number of years and it is only in recent times that a network rail implemented box instruction has come into existence in order to minimise the risk of the trains slipping to a stand in wet weather thus enabling network rail to manage the network more effectively. Attributing these delays and their reactions reduces the economic viability of rail freight. Any reduction in the economic viability of rail freight could drive this flow to road haulage. resulting in:</p> <ul style="list-style-type: none"> • Approximately 20,000 additional lorry journeys annually through London. • A significant increase in CO2 emissions, counteracting the rail freight growth policy and negatively impacting environmental objectives.
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	<p>Conclusion</p> <p>GBRf objects to this proposal on the following grounds:</p> <ul style="list-style-type: none">• It could lead to increased delays across the network.• It would exacerbate TDA attribution workloads.• It would require expensive recalibration of benchmarks.• It risks driving freight business away from rail, undermining the green agenda. <p>This proposal not only threatens the operational efficiency of the network but also poses significant environmental and economic challenges.</p>
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Secretary Note	<p>Clearly a groundswell of objection to this proposal from the freight community. Members will need to familiarise themselves with the individual responses but the two overriding FOC points are:</p> <p>a) It would not be right for operators to be held responsible for a signalling delay that they have had no influence over (regardless of the reasons for the delay being incurred and/or the potential risks of not holding a train).</p> <p>b) The proposal represents a material change (contrary to the Network Rail entries on the proposal, which indicate that it is not) which would result in operators paying more in S8 and, ultimately, may prevent them from running some trains due to their becoming commercially unviable.</p> <p>Obviously it is at the discretion of members how this should be handled but the following reminders may be helpful for context:</p> <ul style="list-style-type: none"> • The question of why FOCs are not more involved in deciding/agreeing local instructions – particularly where clear run policies to mitigate adhesion risks are deemed necessary – was touched upon during a 2024 Board meeting. To my understanding, checks were going to be made on what instructions were in place on the network with the view of engaging FOC's more closely in their appropriateness/possible fine-tuning. I think it's therefore a legitimate question to ask as to whether it remains the case that FOCs are not involved in these decisions and, if not, whether it is likely/plausible that the situation will change in the near future. • In terms of the S8 impact of the proposal (if we assume that this is a material change and that there will be one) members are reminded that, historically, the Board would not have rejected a proposal purely on the basis that there will be a financial impact if it was otherwise deemed to be the right thing to do. However, it would/should have been the case that such proposals are accompanied with an assessment of the S8 impact of the change and the recalibrations necessary to ensure that parties are not financially disadvantaged, which obviously hasn't happened here. Whether, in the current environment, such exercises would be too "costly" to be plausible (as the GBRf response suggests) may be a matter for consideration as such. • In context of the above, it should be borne in mind that DAB are not obliged to accept or reject the proposal outright at this meeting....if it is deemed necessary to obtain further operation or commercial information to inform a final decision this is entirely plausible (albeit it will mean that any DAPR amendment will need to be postponed until September at the earliest). • If the Board do decide to reject the proposal outright, however, a decision may be needed on whether a counter-proposal – emphasizing that any delays associated with the application of a local signalling instruction are NR's responsibility regardless of circumstance – may be necessary.
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	Against the above, the requests stated in the DAMG response are relatively minor and probably only require consideration in the event that it is decided that the proposal is otherwise suitable to go forward to ORR.
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Board Consultation	<p>The Board noted the number of objections to the proposal, received from train operators (and freight operators in particular). As per the Secretary's notes, it was suggested that these objections could be boiled down to two key points; firstly that freight operators should not be responsible for signal delays associated with the application local instructions that they had not explicitly agreed to (even if these were applied with a view to assisting the FOC) and , secondly, that the changes represented a material change in attribution principle which would lead to an increase in FOC-responsibility delay (and an according commercial impact on the operators).</p> <p>Network Rail countered the objections by stating the the proposal was only intended as a clarification of existing principles relating to use of code OR rather than a material change (hence the fact that the original proposal was detailed as not having a wider/commercial impact). Although it was acknowledged that attribution principles associated with local signalling may not have always been applied correctly since code OR was add to DAPR in 2021, it was flagged that the justification for introducing the code within the associated proposal (NR P207) was explicitly that it was for use "where they are not implemented for an identified cause" (i.e. it was never the intention that the code should be used for all delays associated with local signalling arrangements regardless of circumstance).</p> <p>The proposal, including consideration of whether the current wording could benefit from non-material revisions to address any potential misinterpretations, was discussed at length by members. However, with it being evident that that there was no unanimous Board view as to how to proceed, the Chair called for members to vote on the proposal.</p> <p>The result of the vote was that 8 of the 12 members (four Network Rail representatives and all four of the passenger train operator representatives) voted to progress the proposal – without amendment – to ORR for review and approval. (This majority constitutes Board approval, as per the conditions of the Network Code, Part B, Paragraph 2.6.1.)</p>
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Originators Reference Code / No [For DAB input]	NTL/08
Name of the original sponsoring organisation(s)/ point of contact	Northern Trains Limited
Exact details of the change proposed	<p>Add 'CBTC' to the list of systems covered by the 'M2' Code – Entries requiring update listed below with amendments in red:</p> <p><i>The following two entries within the "Contents" table:</i></p> <p>G3 Failure of ETCS/ERTMS/ATO/ CBTC System</p> <p>O13 ETCS/ CBTC and or ERTMS Equipment Failures</p> <p><i>The "Circumstances" entry for Scenario G1.2.b:</i> Delays associated with faults relating to train borne safety systems within the cab (For ETCS/ ERTMS / CBTC see Section G3)</p> <p><i>Section G3:</i> G3 Failure of ETCS/ERTMS/ATO/CBTC* System G3.1 When operating on an ETCS/ERTMS/ATO/CBTC enabled line, trains that are fitted with the on-board ETCS/ERTMS/ATO/CBTC rely on the system being able to draw a level of information, such as positional referencing and line topography, from track mounted balises.</p> <p>In the event of a failure of the ETCS/ERTMS/ATO/CBTC system, causation coding should be as follows:</p> <ol style="list-style-type: none"> Delay associated with the trainborne ETCS/ERTMS/ATO/CBTC system Delays associated with the ETCS/ERTMS /CBTC track-mounted balise Delays associated with RBC issues affecting ETCS / ATO /CBTC operation (NOT balise related) GSM-R related issues affecting ETCS / ATO /CBTC wireless communications system Delay associated with incorrect ETCS /CBTC system operation by Signaller / Controller Delays associated with incorrect ETCS /CBTC system operation by Driver Delays associated with PIS issues affecting the CBTC system Delay Code: RV Incident Attribution: Train Operator – separate Incident to be created for each directly affected (R##*)

~~*CBTC (Communications Based Train Control) is a form of Train Control that is similar to ETCS, used on the Mainline Railway Network by the Elizabeth Line Class 345 Electric Multiple Units.~~

Section O13:

O13 ETCS ~~and or~~ / ERTMS / CBTC Equipment Failure

The code J7 is used for failures of ETCS ~~or~~, ERTMS or **CBTC** equipment (excluding communications link and ETCS Balise (See Section G3).

Description of Delay Codes JR/J7/M2/OC/OF in Section S:

JR	Delay due to RBC issues affecting ETCS / ATO/ CBTC operation (not balise related)	RBC ETCS
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J7	ETCS/ERTMS/ CBTC Equipment Failure (excluding communications link and balises)	ETCS/ CBTC FLR
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M2	Delay due to ATO / ETCS/ CBTC equipment	ETCS/ CBTC
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OC	Signaller including mis-routing (not ERTM / CBTC /ETCS related)	SIGNALLER
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OF	Delay due to incorrect ETCS / CBTC system or equipment operation by Signaller / Controller	ETCS CTRL
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Reason for the change

Communications Based Train Control (CBTC) has been relatively newly introduced to the Mainline Railway Network by the Elizabeth Line Class 345 Electric Multiple Units. CBTC is a form of Train Control that is similar to ETCS, but it is not specifically referenced by the 'M2: Delays and cancellations associated with the trainborne ETCS/ERTMS/ATO system' code. Rather than proposing a new code and given the similarities of the system to ETCS it therefore seems more logical to expand this code to include CBTC in this existing code.

13. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

It is not believed that the proposed change will have any wider industry impact.

14. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

Not applicable.

Industry Responses

Network Rail	<p>C. NO, UNLESS SUGGESTED AMENDMENT IS APPLIED</p> <p>Network Rail consider the definition of CBTC that has been proposed for addition at the end of Section G3 to be factually incorrect, or at best very misleading. Specifically, the GBTC system is used on the Crossrail Central Operating Section (CCOS) i.e. outside of the Network Rail network. The reference to it being “used on the Mainline Railway Network” strongly implies that it is owned and used by Network Rail for trains running on its own infrastructure.</p> <p>It is asked that this definition is either removed from the proposal entirely or is at least amended to clarify that the application is used specifically in connection with trains running on the CCOS.</p>
DAMG	<p>A. YES, PROPOSAL IS AGREED WITH AS WRITTEN</p>

Secretary Note	<p>This is a challenge over a point of fact in the wording of the proposal. Although I am no expert on the subject of CBTC, a check on the Siemens (system developer) website confirms that they describe the system as being in use on the Central Operating Section of the Elizabeth Line (i.e. not on NR infrastructure).</p> <p>Assuming that members are in agreement that the current wording is wrong, options are to reword this section to reverse the explanation of where CBTC is used or to delete the entry altogether.</p> <p>In this context, it should be remembered that the wording in question was not included in Northern’s original proposal (outside of the associated “justification for change” text) and was only added at DAB’s own recommendation. Presumably, as such, any changes we make to it at this stage will not be a matter of major concern to the TOC.</p>
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Board Consultation	<p>The Board agreed that Network Rail’s comments in relation to this proposal were legitimate, specifically that the reference to CBTC being used on the “Mainline Network” could mistakenly be taken to imply that it was used on Network Rail infrastructure and/or owned by Network Rail.</p> <p>Rather than attempting to reword the text at the end of Section G3 describing what and where CBTC was utilised, the Board agreed that the entry would be better reduced to a simple explanation of what the acronym stands for. This on the basis that it is not the purpose of DAPR to provide contextualisation over where and why a particular asset-type is in use.</p> <p>The proposal was therefore approved for referral to ORR subject to the proposed final paragraph of Section G3 being revised to state only “*CBTC (Communications Based Train Control)”. </p>
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