

Explaining the Delay Attribution Principles and Idiosyncrasies:

A guide to why Delay Incidents are attributed the way they are.....

This briefing document is intended to assist all parties to understand the basic principles of attribution that govern the rules of allocation of responsibility.

Basis of Attribution Responsibility

The base principles of Attribution are governed by the Track Access Agreements (TAA) held between Network Rail and Operators, specifically Schedule 8.

Within Schedule 8, responsibility of Delay Incidents is clearly prescribed and the Delay Attribution Principles and Rules (DAPR) reflect that responsibility; which in simple terms states:-

Network Rail is responsible for:

“Circumstances within the control of Network Rail in its capacity as operator of the network”;

(Whether or not Network Rail is at fault)

Operators are responsible for:

“Circumstances within the control of the Train Operator in its capacity as an operator of trains”

(Whether or not the Train Operator is at fault)

You will notice that there is a clear caveat written within the Schedule 8 Responsibility that states ‘Whether or not that Party is at fault’.

You will also notice that there is no specification for responsibility of ‘operator of stations’ or ‘operator of depots’ meaning every delay incident is allocated in line with the two principles above. The role of Network Rail or of a Train Operator as the SFO at a station is thus irrelevant.

Schedule 8 also sets out that Attribution is based on and applied to the ‘Agreed Plan’ for any given day.

For Passenger Operators this is the Applicable Timetable as agreed at 22.00 the day prior to operation. For Freight Operators this is the train schedule as uploaded into the System prior to that train running.

Attribution is also based on **Prime Cause** of the delay and NOT Root Cause as is often cited.

Prime Cause Delay Principles

The principles of Prime Cause and the application thereof is one of the most misunderstood and therefore debated issues in the world of attribution with many Parties citing 'Root Cause'.

However, Attribution should be based on PRIME Cause which is defined in the DAPR as:-

- Prime Cause is the immediate cause or event that results in delay to a train.
- Until the Prime Cause event occurs there will be no delay.
- Without that event, delays would not have occurred.
- Prime cause is NOT a reaction to a previous incident.

Where a delay that would not have ordinarily occurred is identified then that delay should be considered as a potential new prime cause, regardless of any perceived root cause event.

One of the key considerations to be made when identifying if an event is a new Prime Cause is what reasonable opportunities there were to mitigate the delay event occurring – if there was opportunity to prevent the occurrence then it could be considered a new Prime Cause.

Example 1 – A chain of events but no delay manifests until the Prime Cause occurs.

A trespasser comes through a hole in a boundary fence and trespasses on the railway, making their way up the track to the station where they then board a waiting train. The station staff member calls the police and holds the train until the police arrive. The train is delayed 20 minutes waiting for police.

Attribution of the 20 minute delay is allocated to the Train Operator (as operator of trains) for the reason of waiting the police to attend the train. The rationale being;-

- The hole in the fence is considered a root cause but this itself caused no delay.
- The trespass event itself caused no delay as no trains were cautioned or stopped during that event occurring.
- The delay only manifested when the train was held waiting police and failed to leave at its booked time.
- Had the train not been held for the police to attend there would have been no delay incident.

Summary:-

- Identified ROOT cause is the hole in the fence.
- Attributed PRIME cause is the train being held for the Police.

Example 2 - Ongoing incident but individual Prime Causes are identified

An infrastructure failure is ongoing and causing delays. Due to the disruption a train driver, who travels to work on the train, is late booking on. Their first working is subsequently delayed waiting driver. Later on that train's journey it is further delayed on a red signal when a Signaller omits to set the Route due to the ongoing disruption and is distracted.

Whilst all the above could be construed as being related to the ongoing infrastructure failure there are new Prime Cause incidents identified.

The late start on the train due to waiting driver is attributed to the driver for late booking on duty. The infrastructure failure can be taken as the root cause but as the driver was not already on duty it cannot be considered a reactionary delay and thus is a new Prime Cause.

The responsibility for the subsequent delay waiting signal is allocated to the Signaller. Again, the infrastructure failure can be construed as the root cause but the delay is solely down to the signal not being set in time and thus is a new Prime Cause.

Summary:-

- Identified ROOT cause (and a PRIME cause in itself) is the infrastructure failure.
- Identified new PRIME cause is the driver late on duty and late to train
- Identified new PRIME cause is the Signaller omitting to set the route

(See also DAB Process Guide PGD1)

Common Questions about Delay Incident Responsibility

Set out below are some common questions, explained with example scenarios.

Depot / off network incidents

Q – Why is an Operator attributed a late start off the depot when it was a depot operating problem and the depot is owned / operated by a different Train Operator?

A – Attribution in this scenario is made under “circumstances within the control of the Train Operator in its capacity as an operator of trains”. It is the Operators responsibility to present their train on time. Attribution Responsibility cannot be allocated to the depot owner who may not be a track access party e.g. Alston, Siemens. The Operator affected has a Depot Access Contract with the Depot owner in terms of services provided.

(See DAB Process Guide PGD8)

Q – Why is an Operator attributed a late start from depot (off network) when it was due to a points failure in the depot causing the delay and those points are maintained by Network Rail?

A – Similar to the above, Attribution in this scenario is again made under “circumstances within the control of the Train Operator in its capacity as an operator of trains”. It is the Operators responsibility to present their train on time. Attribution Responsibility cannot be allocated to Network Rail for an asset off their network. The asset may be maintained by Network Rail but under a contract via the Depot Access arrangements so in effect they are a ‘contractor’ to the Depot Owner who then have a Depot Access Contract with the Train Operators that use that Depot.

(See DAB Process Guide PGD14)

Station incidents

Q – Why is an Operator attributed a delay at a station when it was due to late dispatch caused by a station staff member that works for another Train Operator.

A – Attribution in this scenario is again made under “circumstances within the control of the Train Operator in its capacity as an operator of trains”. It is the Operators responsibility for the dispatch of their train on time, whoever carries out that activity. Attribution Responsibility cannot be allocated to the station owner or the Operator for who the member of staff works. The Operator affected has a Station Access Contract with the Station ‘Owner’ in terms of services provided and that member of station staff is ‘contracted’ to the other Operator for the dispatch activity. This is also true where NR supply the despatch staff.

Q – Why is Network Rail attributed a trespass incident when the trespasser clearly came from a station?

A - Attribution in this scenario is made under “circumstances within the control of Network Rail in its capacity as an operator of the network . Attribution of Responsibility cannot be allocated to the ‘Operator of the station’, who may not be a track access party. The Prime Cause is trespass. The only exception being if the trespasser alighted directly from a train onto the track - which would be considered Operator responsibility as ‘operator of the train’ from where they originated.

Q – Why is an Operator attributed delays due to a station power failure when the station it occurred at is a Network Rail Managed station?

A – Attribution in this scenario is again made under “circumstances within the control of the Train Operator in its capacity as an operator of trains”. If passengers cannot enter the station and thus gain access to or from the train then it is the operation of the train that is impacted. Attribution Responsibility cannot be allocated to the station owner. The Operator affected has a Station Access Contract with Network Rail in terms of station services provided to them.

Next Day / Plan of the Day Principle

Q – Why is an Operator attributed a delay for non-provision of rolling stock when it was damaged the previous day by an object strike that Network Rail have accepted responsibility for?

A - Attribution in this scenario is again made under “circumstances within the control of the Train Operator in its capacity as an operator of trains”. The provision of rolling stock for the start of service (against the plan agreed at 22.00 the previous day) is Train Operator responsibility. Network Rail are not in a position to mitigate the next day’s impact of stock provision for which the Operator can either provide alternative stock or request a revision to the Plan of the Day to reflect the fleet availability.

Q – Why is Network Rail attributed a delay for an asset failure when it was damaged the previous day by a train for which the Operator has accepted responsibility?

A - Attribution in this scenario is made under “circumstances within the control of Network Rail in its capacity as an operator of the network. Similar to the above scenario for rolling stock provision it is Network Rail’s responsibility to provide the infrastructure required to operate the network for the plan of the day (as agreed at 22.00). If the infrastructure is not available then Network Rail are in a position to implement amended timetables to reflect the restriction of the network. The Operator who caused the issue is not in a position to mitigate the effects of or repair the damage.

Planning and Schedules

Q – Why is Network Rail Control attributed a delay for a VSTP schedule error when it was produced and uploaded purely to assist a request from an Operator?

A - Attribution in this scenario is made under “circumstances within the control of Network Rail in its capacity as an operator of the network. A schedule uploaded into TRUST is the responsibility of Network Rail to validate regardless of reason for the request and upload. The TRUST system is considered as part of the network and is prescribed as ‘The System’ in the Network Code.

Q – Why is an Operator attributed a delay for resourcing issues when they are linked to re-planning the resource plan for the day purely to assist a request for a short notice possession from Network Rail?

A - Attribution in this scenario is again made under “circumstances within the control of the Train Operator in its capacity as an operator of trains”. It is the Operators responsibility for the provision of all resources (fleet or crew) for the start of service (against the plan agreed at 22.00 the previous day) regardless of any reasons for amendments. Network Rail is not in a position to mitigate the next day’s impact of resource provision for which the Operator has agreed the revised plan of the day.

In all cases the Schedule 8 caveat of ‘whether or not that Party is at fault’ is relevant in understanding the rationale.