

## **Delay Attribution Board Meeting of August 1<sup>st</sup> 2017**

### **Summary of Meeting**

#### ***DAB43 Guidance Draft***

The Guidance notes for the Request for Guidance from Network Rail and West Coast Railway Company were agreed by the Board and will be distributed (as DAB43 Guidance Note) to the Parties and uploaded onto the DAB website.

#### ***DAB Process Guide Documents***

The Board was provided with the Process Guide Documents:-  
PGD14 – Attribution of Asset Failures On – Off network  
PGD15 – TRUST Recording Accuracy and Anomalies; and  
PGD 16 – Stock Swap Scenarios

The Board endorsed the documents for Industry distribution.

### **Board Objectives**

#### **Objectives Matrix**

An updated Objectives Matrix was provided to the Board for the purpose of review and agreeing any alterations or additions required for delivery during 2017.

Under the DAPR Review Objective it was proposed and agreed to formulate a survey (possibly via Survey Monkey) targeting front line DAPR users to get feedback on various aspects of the document such as its usability and content.

Under the Board Communications Objective it was agreed to run a North and South Industry event, based on the feedback from the suggested survey, for engagement with Level 1 and Level 2 staff.

As part of the Managing Delay Attribution Objective it was considered whether the Board should have a 'blue sky' thinking session regarding how attribution could be simplified or developed in the future. This was considered to directly align to the ORR comments relating to attribution made in the CP6 Conclusions and should be coordinated with the ORR.

The PDAC review had stalled primarily due to waiting for the ORR CP6 Conclusions as these may have changed the requirements for Industry within the PDAC.

The Network Code Part B review submission is currently progressing.

The Network Code Part H review has highlighted the need to clarify attribution of delays and cancellations as a result of a train or locomotive or train crew being commandeered to rescue a failed train and will be added as an item under the DAPR Review objective.

### **ORR CP6 Attribution Comments**

The Board was presented with a paper setting out the comments made by ORR in their CP6 Consultation Conclusions specifically relating to Delay Attribution.

The Board requested that the ORR observer take away certain clarification questions relating to the comments particularly:-

- What is actually meant by and the intention of including the comments made?
- Do the comments relate to procedural issues (as believed) or the Schedule 8 incentives?
- Has the ORR considered that once recalibration work has been completed any wholesale change to attribution could then require a further recalibration – or could prevent proposed changes being implemented?
- Has the ORR considered the Board being part of any review or work stream and if so, how?

An additional action will be added to the Board's Objectives under Managing Attribution relating to this work stream and engagement with ORR.

### **NTF Quarterly Reporting**

The Board was presented with a paper covering the aspects agreed at the last Board meeting in relation to the Board providing a quarterly update to NTF, including highlighting any issues considered as being appropriate for escalation.

For a preliminary report it was suggested that the Board initially focus on two aspects of concern presently which are the number of outstanding disputes at both Day 42 and over six months old as possible indicators of contractual restrictions, engagement, behaviours or possible DAPR misinterpretation.

A summary of dispute data at Day 42 and those over six months old and compile the associated commentary will be compiled for inclusion in the initial NTF Report.

It was proposed that as well as highlighting concerns or making a request for assistance the Board also highlights where it has aided the Industry, for example resolution of lineside fires with West Coast Railways that have been in dispute for up to five years.

### **Fire Investigation and DAPR Review**

The Board was presented with a paper covering two aspects relating to the attribution of fires as highlighted during the Request for Guidance heard at the July meeting.

The first aspect was to develop an investigation form covering suggested investigations that need to take place should a lineside fire occur where it is thought it might be related to a steam train and the second aspect related to a perceived contradiction in the DAPR relating to fires caused by trains that emanate off Network Rail infrastructure.

In relation to the first aspect the Board broadly agreed with the proposed investigation form with the addition of the Network Rail MOM providing photos and reports from site so as to capture or aid identification of where the fire started, the condition of the lineside or other factors that may be considered useful in determining cause of the fire.

It was suggested that it may be useful to create a new Process Guide document that incorporates good practice investigation templates. This was supported by the Board given recent submissions have highlighted investigations often fall short of being complete.

In relation to the review of fire flow diagram the Board concluded that the current flow diagram in the DAPR needs a wider review and possible reformatting

### **Attribution Driving Behaviours**

The Secretary presented a paper to the Board covering a number of scenarios (generalised) that have been highlighted over the last few months where attribution is seemingly driving perverse behaviours in the Industry.

The Board were reminded in the paper that the objective of Delay Attribution was to identify the Prime Cause of delay and attribute it to the Party that was in the best position to prevent that delay occurring. Whilst in many cases the attribution of responsibility is not deemed 'fair' or not applying common sense, variation from the 'Rules and Principles' has caused various inconsistencies and prolonged resolution debates.

Ultimately attribution should not be influencing behaviours but just as importantly behaviours should not conversely be influencing attribution.

Due to the strong link to performance delivery, or more importantly a risk to it, this issue was agreed be something that should be highlighted to NTF as part of the quarterly DAB Report.

NTF should be made aware that for performance purposes it is perverse to cite attribution as a reason for not taking appropriate action but conversely it would be perverse for attribution not to capture a cause that could be utilised for future improvements.

The Chairman suggested that the examples provided in the paper be reviewed over the next few Board meetings to either ensure the DAPR captures the scenarios adequately or if not to formulate appropriate guidance.

### **Proposals for Amendment (Post Consultation)**

The Board were presented with the Consultation responses to the Proposals for Amendment.

#### ***DAB P292 - ETCS and ATO***

Network Rail's response suggested that the acronyms ATO and RBC are included in DAPR Glossary for completeness. This was agreed and they will also be covered in the ETCS IRG when finalised later in the year.

Parties represented by the DAMG response highlighted a concern with Delay Code TS rewording and whether there was a need for this Delay Code.

Delay Code TS already exists and was primarily introduced for identifying ETCS driver delays and to this end the ETCS Project wish to monitor ETCS impact so a distinguishable Delay Code is required.

The Proposal was subsequently accepted as submitted but with the noted correction highlighted by Network Rail in relation to head and tail lights.

#### ***DAB P293 Paragraph B7.4 Dissipation***

Accepted by all responding Parties as submitted.

#### ***VTEC003 – Wires Down Unexplained***

Concerns were received from Operators represented by the DAMG response and also Network Rail relating to the definition of the word 'credible' and how this could be interpreted.

After discussion it was agreed to amend the proposed wording from '...until credible information is available' to '...unless further information becomes available'. This was agreed unanimously as a non-material alteration to the proposal to reduce ambiguity.

#### ***NR P194 – Traffic Management***

Accepted by all responding Parties as submitted.

### **Proposals for Amendment (Pre Consultation)**

A paper was provided to the Board setting out new Proposals for Amendment:-

- **DAB P294 – Infrastructure Failures on – off network**
- **DAB P295 – Stock Swaps**
- **DAB P296 - TRUST Errors**
- **DAB P297 – Service Recovery**

All the Proposals for Amendment above were agreed to be sent out for Consultation.

Additionally it was suggested that an entry is made in the DAPR Introduction mentioning the Process Guide Documents (PGDs) in terms of what they are and how they fit with the DAPR. This was agreed and the Secretary was requested to formulate a Proposal for Amendment (DAB P298) to be sent out with the Proposals above.

The Industry feedback on these Proposals will be reviewed at the September Board meeting and incorporated into the DAPR for implementation in December 2017.

### **Autumn Good Practice**

The Board was provided with, and asked to endorse, the revised Autumn Good Practice Guide for 2017 bringing it in line with the new DAPR references.

An additional entry included in the revised document clarifies that ‘planned’ treatment is to be taken as what is set out in the autumn programme. This is to distinguish between treatment trains not planned to run in the programme and treatment trains planned not to run at short notice.

The Board agreed the amendments and endorsed its re-distribution to Industry.

### **TRUST System Changes**

The Board was presented with a paper covering two proposed TRUST System alterations.

A suggestion for the ‘Accepted by System’ to be removed as functionality from TRUST (so that incidents have to be physically by the Responsible Manager) was not supported given the risk that incidents could remain left as ‘Waiting’ and never be cleared from the System.

A suggestion relating to TRJN enquiries was to either enable Operators to be able to do TRJN enquiries on their own staff (rather than ask Network Rail to do so) or to enable automation of TRJN requests either within TRUST itself or a downstream system or provision of an automated report. This was deemed to have wider benefits in both saving time and resource in the production of the reports but more importantly creating greater ability to review the information provided by the enquiries for Performance monitoring.

The official minutes will be available to Industry after sign-off at the 26<sup>th</sup> September meeting

### **Mark Southon**

Secretary to the Delay Attribution Board