
Guidance No: DAB48

Attribution of Responsibility for shunting delays at Edinburgh Waverley

1. Introduction

The Delay Attribution Board (the Board) received a Request for Guidance in connection with the attribution of various TRUST incidents involving delays relating to shunting stock at Edinburgh Waverley as a result of planned platform changes due to ongoing building work at the station.

- 1.1. The Board received the Joint Request for Guidance from Serco Caledonian Sleepers and Network Rail (Scotland Route) on the 3rd January 2019.
- 1.2. Summary of the submission:
 - 1.2.1. Guidance from the Board is sought for the resolution of an issue which has been progressed through the relevant process but for which no resolution has been achieved.
 - 1.2.2 To provide guidance from the Board in relation to delays caused by shunting stock at Edinburgh Waverley as a result of planned platform changes due to ongoing building work at the station.
 - 1.2.3 For the Board to provide guidance on whether the responsibility for the incidents should be allocated to Network Rail or to Caledonian Sleepers

2 Factual Background to the Incidents

- 2.1 The request for guidance applies to various TRUST incidents relating shunting delays experienced at Edinburgh Waverley.
- 2.2 Serco Caledonian Sleeper service 1M16, the 2044 Inverness to London Euston service, is booked into Edinburgh Waverley to combine with the portions from Fort William and Aberdeen to go forward as one train to London.
- 2.3 Caledonian Sleepers are the operators of the service but contract GB Rail Freight (GBRF) to supply drivers, shunters and locos for the service. GBRF are also contracted to bid for schedules, both Working Timetable (WTT) and Short Term Planning (STP), on behalf of Caledonian Sleepers.
- 2.4 In order to combine the different portions together, a variety of shunt moves require to be undertaken within Edinburgh Waverley involving the following (not necessarily in order):
 - 2.5 Attach coaches from different portions.
 - 2.6 Detach diesel locos from all three portions.
 - 2.7 Attach electric loco for journey to London.
 - 2.8 Removal of Fort William Day Coach by inward loco.
 - 2.9 2 shunters are available for the operation.
- 2.10 An extract from the Local Operating Plan was provided but not replicated in this Guidance note.
- 2.11 There are no schedules in TRUST for the shunt moves (not required due to short distance involved) however the shunt plan is developed, and owned by, Caledonian Sleeper with Network Rail's Edinburgh IECC facilitating the shunt moves by signalling the moves under request of the shunters.
- 2.12 Caledonian Sleepers were requested to move 1M16 from platforms 11 and 7 at Edinburgh Waverley in order that works could proceed within Edinburgh Waverley in connection to remodelling of the station/track infrastructure that was taking place. This was discussed, and agreed, between Network Rail and Caledonian Sleepers resulting in 1M16 being re-platformed to platforms 19 and 2 in Edinburgh Waverley.
- 2.13 Caledonian Sleepers did not bid for any additional time within Edinburgh Waverley as a result of the change of platforms i.e. the bid for 1M16 still only required 21 minutes in Edinburgh Waverley for the shunt moves. The timetable was offered and accepted by GBRf on behalf of Caledonian Sleepers with no related TT disputes pending.

2.14 1M16 frequently departs Edinburgh Waverley late after being moved from platforms 11 and 7 to 19 and 2.

2.15 The incidents have been disputed on the basis that Caledonian Sleeper said that they had to move platform due to Network Rail enhancement works within the station and as a result there is insufficient time in the schedule to carry out the required shunts / detachments / attachments from the alternative platforms

3. Requirement of the Board

3.1 The Delay Attribution Board was asked to review the specific circumstances relating to these incidents and provide guidance as to which party they believe is responsible for the delays caused by the shunting, specifically whether the disputed incidents should be coded to Network Rail (as Delay Code QA/OQ) or to Caledonian Sleepers (as Delay Code RD)

4. Caledonian Sleeper's View

- 4.1 Network Rail and their contractors Carillion advised Caledonian Sleepers within 18 weeks of work commencing to extend platforms 5, 6 and 12 of their intention to carry out intrusive noisy construction work including demolition and piling within 4 metres of the operational platforms
- 4.2 Caledonian Sleepers repeatedly requested that to be allowed to continue operation in platforms 7 and 11 that quiet periods were maintained by the contractors whilst 1M16 and 1S25 and their associated portions were in the station. This would allow guests to continue sleeping without being disturbed. These requests were either ignored or dismissed thus proving a fundamental disregard for Caledonian Sleepers' business and their guests despite the contractors working 24 hours per day.
- 4.3 Caledonian Sleepers was therefore given little option but to seek the least worst option and move the Highland operation to platforms 2 and 19 at the North Side of the station but in meetings with Network Rail Engineering Access stated that this operation would be kept under review as there were known to be operational difficulties with the North Side e.g. increased shunting times and dispatch issues due to the curvature combined with the length of the train and available shunt resource. It was proven that the operation requires up to an additional 15 minutes to undertake the same operation as in platforms 7 and 11. This includes additional walking time for the shunters after detaching the Fort William day coaches and stabling them initially in platform 4 but currently in platform 1. This additional time was outlined to Network Rail in the email to David Ross and Charles Green of Network Rail Train Planning at Milton Keynes on March 30th at 0945 and was calculated through carrying out the shunting between the switch and 30th March 2018.
- 4.4 Caledonian Sleepers raised these concerns with Network Rail in correspondence and felt that as it was Network Rail imposing this change on Caledonian Sleeper it was for Network Rail to offer a timing solution. Network Rail claimed that despite investigation they were unable to find a workable solution without fundamentally changing the whole operation and that they did not have the time or the staff to carry out this and could not identify workable margins within the existing departure and arrival times.
- 4.5 At no time was an offer made by Network Rail to Caledonian Sleepers to return to operation in platforms 7 and 11. Indeed the operation in platforms 2 and 19 have been enshrined in the Rules of the Route and Network Rail Engineering Access have amended their plans accordingly making it difficult to return to 7 and 11 without difficult for both Network Rail and Caledonian Sleepers.
- 4.6 It is Caledonian Sleepers' preference to operate in platforms 7 and 11 due their long straight nature which makes the operation easier. However, the liquidation of Carillion and installation of Story as contractor to complete the platform 5 and 6 has led to further delay in the completion of the noisy construction work.

- 4.7 Caledonian Sleepers has approached Network Rail and their contractor during this contractor change to investigate quiet periods again with a view to being able to move back to platforms 7 and 11. Network Rail's project team stated clearly that it was their preference for Caledonian Sleepers to remain in the North Side of the station.
- 4.8 GB Railfreight has investigated what time could be made available. However, due to pathing restrictions due to Scotrail services in the Airdrie area only 3 minutes additional time has been able to be identified.
- 4.9 It is Caledonian Sleepers' belief that Network Rail have left Caledonian Sleepers with a fait accompli and no way of being able to provide a service to their guests without delay in platforms 2 and 19 or with a hugely disturbed sleep in platforms 7 and 11 and that Network Rail have not reasonably allowed for our operation or additional costs in their enhancement project.

5 Network Rail's View

- 5.1 Caledonian Sleepers bid with platform requirements, but they do not bid with or provide details of timings of any associated shunting. Caledonian Sleepers have no firm rights Track Access Rights to use specific platforms. Network Rail train planning have confirmed that the move to Platform 2/19 was offered by Network Rail as part of the LTP process for the May 17 timetable. There was no change to arrival or departure timings, as per the bid by GBRf, and at no time in any response item was a request made to move these trains back to Platform 7/11 when GBRf received the offer on behalf of Caledonian Sleepers and no suggestion that the offer was not compliant. No timetable dispute was raised in relation to this or any other subsequent timetable offer relating to platforming. The May 2017 offer was subsequently accepted by GBRf and therefore by Caledonian Sleepers.
- 5.2. Network Rail was not aware of any issues prior to the platforming to platforms 2/19 as suggested by Caledonian Sleepers. No one from GBRf or Caledonian Sleepers has raised the performance concerns with Network Rail train planning formally (no correspondence has been received) or requested a review to seek a solution through the established train planning liaison meetings, which occur weekly, despite these incidents being disputed since last year. At liaison meetings, GBRf rejected the offer from Network Rail to return to platforms 7/11, albeit on a temporary basis.
- 5.3. Network Rail contend that DAPR L1.2 "All schedule errors contained within TRUST are the responsibility of Network Rail. They should be validated prior to uploading. This is irrespective of Operator access requests or any incidents causing the need for revised plans or schedules to be produced" does not apply in this circumstance for the following reasons;
- 5.3.1. This isn't a schedule error as it isn't a confliction, unworkable path or schedule. The schedule was validated and uploaded in accordance with the bid/offer process and accepted by GBRf on behalf of Caledonian Sleepers.
- 5.3.2. The allowance at Edinburgh was as bid by GBRf therefore it is a validated path free of confliction and validated against the info available at the time i.e. GBRf need 'X' amount of time in Edinburgh Waverley.
- 5.4. Network Rail contend that neither DAPR L1.2 nor DAPR L1.3, can be applied to this incident to reach a Network Rail reason code and that the issue is not a schedule error. When following L1.3 flow chart for schedule errors no circumstances apply to these incidents. It is an operational request, related to operation of the train, to have more time at Edinburgh Waverley for 1M16. Similar examples would include a bid for a steam train requiring a water stop for 'x' amount of time, a bid for extended dwell due to loading catering services or a bid for crew relief. Caledonian Sleepers have never bid for additional time at Edinburgh Waverley therefore the 21 minutes offered by Network Rail is as bid by Caledonian Sleepers therefore the validated plan produced by Network Rail is valid.

- 5.5. Network Rail do appreciate the impact these critical station enhancement works, which Network Rail is delivering as part of its obligations, has on Caledonian Sleepers' passengers, many of whom will be sleeping. Network Rail has explored options several times with Caledonian Sleepers and the project team to understand if a 'quiet period' can be facilitated but this would impact the efficiency and deliverability of the project due to a reduction in 'time on tools' mid shift and re-platforming to 2/19 was preferred option for Caledonian Sleepers.
- 5.6. In summary, Network Rail have fulfilled their contractual obligations, offering a path as bid for by Caledonian Sleepers, free of conflict, with the Caledonian Sleepers requested 21 minutes dwell at Edinburgh Waverley, which was accepted by Caledonian Sleepers when offered.

6. Locus of the Board

- 6.1 The Board reviewed its locus in respect of providing guidance on this issue. The Board's locus to provide guidance is set out in the Network Code Conditions B2.4.3 and B6.1.3.
- 6.2 The Board noted that while it could offer guidance to the Party regarding how incidents of this nature should be attributed, this guidance was not binding on either Party involved. If either of the Access Parties were dissatisfied with the guidance provided they could refer the matter to Access Dispute Adjudication (ADA).
- 6.3 If the issue was referred to ADA, then an Access Dispute Adjudication Panel (ADA Panel) would be formed to consider the dispute. In doing so, the ADA Panel would take account of the guidance provided by the Board but would not be bound by it. The ADA Panel would then make a determination that was binding on the Parties concerned. This document is therefore being prepared as the vehicle for providing the guidance and the reasons for how the Board arrived at its position both to the Parties and, if necessary, to the relevant ADA Panel.
- 6.4 The Board agreed that it should seek to provide guidance that meets with the delay attribution vision:
- "For all parties to work together to achieve the prime objective of delay attribution – to accurately identify the prime cause of delay to train services for improvement purposes".
- 6.5 The Board would need to consider if, in providing guidance, an amendment to the Delay Attribution Principles and Rules should be proposed to improve clarity.

7 Consideration of the Issues

- 7.1 The Board at its meeting on 12th February 2019 considered the Request for Guidance and took account of the following:
- 7.1.1 The facts provided by Caledonian Sleepers and Network Rail in connection with the incidents disputed and the Joint Request for Guidance submission paper.
 - 7.1.2 The additional information provided by Caledonian Sleepers and Network Rail in response to questions raised by the Board prior to the Hearing (Set out in Appendix A).
 - 7.1.3 The additional information provided by Caledonian Sleepers and Network Rail in response to questions raised by the Board at the Hearing (Set out in Appendix B).
 - 7.1.4 The guidance provided within the Delay Attribution Guide / Delay Attribution Principles and Rules (as was in place at the time of the incidents) and any other related DAB Guidance documentation.
- 7.2 The Board regarded the following points as particularly relevant during discussion of the incidents:
- 7.2.1 That Caledonian Sleepers could have (but haven't to date) requested additional time through or as part of any of the ensuing Timetable Changes (noting there had been four timetable changes since the building works started and platform alterations applied)
 - 7.2.2 That Caledonian Sleepers at no point has appealed or registered a Timetable Dispute relating to this issue.
 - 7.2.3 That Caledonian Sleepers have not applied or utilised Part D of the Network Code in relation to this issue.
 - 7.2.4 That the plan effectively works with the provision of three shunters (acknowledging the ability of Caledonian Sleepers to provide that number) so Caledonian Sleepers can effectively mitigate the delays occurring.
 - 7.2.5 That Network Rail validate the base plan based on the time requested by Caledonian Sleepers against other trains / movements but cannot validate the time requested against the activities being carried out by Caledonian Sleepers. It is for Caledonian Sleepers to request the time that is required for its operational activities.
 - 7.2.6 The plan is operating under WTT and at no point has a STP been requested.
 - 7.2.7 There is effectively no Schedule error.
 - 7.2.8 The reasons for the re-platforming (station works) is not relevant for attribution purposes.
 - 7.2.9 Attribution is made against the agreed 'plan of the day'.

8 Guidance of the Board

- 8.2 Based on the information presented, the Board agreed, unanimously, the following:-
 - 8.1.1 That Caledonian Sleepers is responsible for the incidents relating to shunting delays at Edinburgh Waverley as set out within the submission.
 - 8.1.2 That Delay Code RD applies in this scenario setting out allocation of responsibility to the Operator.
- 8.3 In reaching its conclusion the Board also noted the following points:
 - 8.2.1 The Parties did not actually agree all the facts presented despite indicating they did on the submission to the Board.
 - 8.2.2 Much of the discussion and disputed issues raised was actually related to Timetabling and Part D processes rather than the DAPR or attribution process.
 - 8.2.3 Many of the incidents in dispute vary from 3' to 63' impact suggesting that in many cases the delay is not necessarily related to the timings issue.
 - 8.2.4 The above notwithstanding that the incidents have been disputed by Caledonian Sleepers to the timing issue irrespective of delay experienced.

This guidance was approved by the Delay Attribution Board on 12 th March 2019	Richard Morris (Chairman)
Signature:	

APPENDIX A

Additional information provided by Caledonian Sleepers and Network Rail in response to questions by Board members prior to the 12th February 2019 hearing.

1. Was Caledonian Sleepers prevented from using the original platforms?

Network Rail: -

It's actually unclear, initially it was thought this was due to a project requirement as per the DAB paper but after further investigation I think it initially came as an STP request from Caledonian Sleepers due to the noise of the works in platforms 5/6 hampering the guest experience, which was then bid by GBRf in the LTP plan going forward. Using the North Side for the sleeper has been done in the past. When offered the opportunity to return to 7/11 they subsequently chose to remain in the platforms 2/19 due to continued perceived noise issues in the vicinity of 7/11. There was never any access dispute raised so if it was a project requirement the platform change would have been discussed and agreed with Caledonian Sleepers through the possession planning process. GBRf bid for 2/19 from May 17 onwards with knowledge of the shunting issues and again for Dec 17 with no changes to the bid. Network Rail offered back as bid for. Shunt moves have never been included in a bid by Caledonian Sleepers/GBRf. See attached emails from train planning.

Content of e-mail response shown below

"Having looked at the plan there is 22 minutes between 1M16 arriving from Inverness & departing towards Carlisle; this has not changed since the Scotrail Operation to my knowledge. The Plan offered in the WTT is also as per the prints in which GBRf bid to Network Rail.

I should stress that it has been brought to my attention on several occasions by Edinburgh IECC that Caledonian Sleeper have been working with 1 shunter at Edinburgh instead of the normal 2 so I would guess this would be an impact on the forming of the train"

And;

"The train was offered to Caledonian Sleepers /GBRf with Platform 2/19 in the originally LTP offer and at no time in any response item was request made to move these trains to Platform 7/11. It has also been raised at our most recent liaison meeting with Caledonian Sleeper and advised that we can look at putting 1M16/1S25 back into Platform 7/11 when the possessions/building works were not taking place but this was challenged saying it would cause more hassle if we were to change this."

Caledonian Sleepers: -

Physically the platforms remained open but our business would have been untenable given the noise disturbance by the demolition and construction work.

2. Was Caledonian Sleepers formally asked by Network Rail to move its trains or was it Caledonian Sleepers that requested the move after discovering the work around the platform could not/would not be suspended?

Network Rail: -

This is unclear because at the time it was not raised as an issue. Whether or not it was project request or a customer request, it was handled in the correct way and agreed by all parties through the capacity planning processes.

Caledonian Sleepers: -

Network Rail's Engineers stated that we should move if we felt the noise levels were untenable for our guests. Undisturbed sleep is absolutely paramount for our guests.

3. Could a normal passenger train (non-sleeper) have undertaken the original booked moves and be platformed on the original booked platforms without restriction or delay?

Network Rail: -

N/A

Caledonian Sleepers: -

Yes. But their operation and concept is completely different to the nature of the sleeper.

4. If Caledonian Sleepers knew it would take longer to undertake the required shunt moves, what did it do to reflect this in the schedules?

Network Rail: -

We don't know. I don't believe a detailed understanding of the 'shunt plan' existed prior to this issue manifesting itself. Also, this is an operational requirement not a timetabling ROTP requirement therefore would need to be in Caledonian Sleepers bid for dwell at Edinburgh Waverly.

Caledonian Sleepers: -

Caledonian Sleeper agreed on a move to the North Side on a trial basis on the proviso that if additional time was required then it was for Network Rail to propose the mitigation in the timetable as it was Network Rail who were carrying out the work and disadvantaging the Sleeper. Caledonian Sleeper had never worked on the North Side during the duration of the franchise and had no experience of how long it would take. The experience during the initial month trial identified that up to 15 minutes additional time was required. This was fed back to Network Rail.

5. Were the timings / allowances offered by Network Rail for the shunt moves challenged by Caledonian Sleepers as part of the bid / offer timetabling process.

Network Rail: -

Caledonian Sleepers don't bid with timings for shunt moves. They only bid with arrival / departure times for each portion. This was not changed by Network Rail when using the North Side. Neither was it challenged informally or formally via access disputes by Caledonian Sleepers.

Caledonian Sleepers: -

Caledonian Sleepers explored what was feasible and proposed revised times to Network Rail but this was rejected by Network Rail due to engineering allowances between Carstairs South and Cove. It is worth noting that Network Rail have now said that this can be flexed.

6. If it was challenged, why did Caledonian Sleepers not raise this as a formal timetable dispute?

Network Rail: -

See above

Caledonian Sleepers: -

It was hoped a solution could be found before that was required.

7. Has the revised plan ever been executed with no delay being incurred since it was implemented?

Network Rail: -

Yes – delays are not always incurred.

Caledonian Sleepers: -

It has only worked when we have put an extra member of staff into the station over and above what is planned and budget for. Since implementation 72% of services departed between 1 and 29 minutes late.

APPENDIX B

Additional information provided for clarification purposes by Caledonian Sleepers and Network Rail during questioning by Board members at the 12th February Hearing.

Q – Can Caledonian Sleepers advise why when an additional 3 minutes was identified as available that Caledonian Sleepers did not bid for those 3 minutes?

CS – As 3' minutes was not enough time and didn't solve the problem

Q – There are many incidents where the delay is only 3 minutes so could these delays not have been eradicated?

CS – In many cases, having additional staff has reduced a larger delay down to 3 minutes.

Q – There are varying delays ranging from 3 minutes to 63 minutes, would this not suggest that there are more issues here than just the plan yet all the disputes by Caledonian Sleepers refer to just the recurring planning issue.

CS – By the nature of Sleeper services they are either very close to time or very late. On many occasions it is late inward workings of one of the portions.

Point to note made – Then it should have been disputed to / attributed to the late inward not disputed to the recurring planning issue.

Q – Does Caledonian Sleeper have Firm Rights in Edinburgh Waverley and or specific platforms set out in Schedule 5?

CS – Only at London Euston

Point to note made by NR – not at London Euston either.

Q – Was Caledonian Sleepers formally asked to move platforms and or the advised of the different operations required? Did Caledonian Sleepers bid for the additional shunt move times required?

CS – The only difference in the layout is the curvature and length of platforms but as Caledonian Sleepers had never physically operated on the north side of the station since taking over from Scotrail there was no awareness of the additional time being required.

Q – Are there no Planning Rules to specify the time required?

CS – no specific Rules

NR - Sleeper services had operated on the north side of the station under Scotrail and with no delay. It is also not for Network Rail to tell Caledonian Sleepers how to carry out the train operations or time required.

Q – Is it for the TOC to plan its shunts?

NR – It is for the TOC to operate the plan to the times requested. Network Rail will validate against the inward and outward workings only.

Q – Why did Caledonian Sleepers not identify the need for additional time?

CS – Although the shunters are the same staff as under Scotrail, Caledonian Sleepers have listened to their concerns and worked with them, so some management aspects have changed since Scotrail days.

Q – There seems to be disparity over the decision to move to the north side of the station and whether longer time was required and or asked for – could you clarify?

CS – Caledonian Sleepers did raise the need for more time to Capacity Planning in Milton Keynes

NR – Not until a year later

CS – Within 2 months of the plan commencing, after the trial period finished.

Q – Was a formal proposal made under Part D for the additional time identified and required?

CS – No it wasn't

Q – Is the time required available?

CS – Liaison meetings are ongoing to formalise the additional time. Presently Planning in Milton Keynes have said they will approve but has not reached final sign-off yet.

NR – The time can only now be provided as High Output vehicle moves are no longer required / taking place so the space has now been freed up. It was not available previously.

Q – It was mentioned that the moves are planned with 2 shunters but it seems that delays are exasperated when only one is available but mitigated when 3 are available so is this not a resource issue?

CS – Yes, but resources mean 3 shunters cannot usually be provided.

Q – It would appear that the offer was made to Caledonian Sleepers to revert to the original platforms, why was this not accepted?

CS – That is not true. No offer was made to revert to the original plan. Caledonian Sleeper's preference is still to keep the train away from the ongoing works. Originally the works were due to finish in October 2018 but was extended to early 2019 due to the collapse of Carillion doing the works.

Q – The plan is in the WTT so why has this not been progressed through the STP process and did the bid contain platform requirements for the south side?

CS – No platforms were specified.

Q – When Network Rail offered you back the north side was this disputed per the Timetable dispute process?

CS – No, it wasn't.