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**Guidance No: DAB52**

Attribution of Responsibility for delays caused by Signaller and Driver communication after a Pass Comm Activation.

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## **1. Introduction**

The Delay Attribution Board (the Board) received a Request for Guidance in connection with the attribution of various TRUST incidents involving additional delays caused by Signaller and Driver communication issues after a Pass Comm activation

- 1.1. The Board received the Joint Request for Guidance from First MTR South Western Railway (SWR) and Network Rail; Wessex Route on the 21<sup>st</sup> October 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 additional delays caused by a Signaller and Driver communication after a Pass Comm activation.
  - 1.2.3 For the Board to provide guidance on whether the responsibility for the incident should be allocated to Network Rail or to SWR.

## **2 Factual Background to the Incidents**

- 2.1 The TRUST Incident that forms this Request for Guidance is 022561 which occurred on the 11<sup>th</sup> May 2018.
- 2.2 5B87 was delayed departing Waterloo as a passcomm had been operated by a customer and not reset correctly by Platform staff.
- 2.3 The Driver contacted the Signaller to inform the Signaller of the issue in accordance with the Rule Book and informed that he was going back to find the guard that was travelling passenger on the train and reset the passcomm.
- 2.4 The Driver stated that the train was in Platform 11 at Waterloo whereas it was actually in Platform 10.
- 2.5 The Signaller asked the Driver to “let him know” when the passcomm has been reset and the train was therefore able to depart.
- 2.6 After the Driver left the cab to reset the passcomm the platform staff at Waterloo operated the Train Ready to Start (TRTS) and the Signaller at Wimbledon ASC cleared the signals to allow 5B87 to depart.
- 2.7 As a result of the route being cleared for 5B87 to depart Waterloo trains were unable to arrive into Waterloo until the route has been cancelled. The first train in the queue to arrive at Waterloo was booked in to Platform 10 which 5B87 was occupying

### **3. Requirement of the Board**

- 3.1 The Delay Attribution Board was requested to provide guidance on the responsibility of this incident and whether the incident should be attributed to the Signaller or remain with SWR for the Pass Comm activation.
- 3.2 SWR request that the incident be a new Prime Cause to the Signaller at Wimbledon ASC (coded OC/OQCM) as the Signaller cleared the Route for 5B87 to depart without contact from the Driver as agreed in the initial conversation. (which was provided by the parties but not replicated in this Guidance Note)
- 3.3 Network Rail Wessex Route believes the incident is correctly attributed to the Platform Staff at Waterloo for the operation of TRTS when the train was not ready to depart being the catalyst this incident.

#### **4. South Western Railway's View**

- 4.1 SWR believe the Signaller and Driver communication transcript shows that the Signaller agreed that the Driver would advise the Signaller when the pass comm had been reset and that 5B87 is ready to depart Waterloo. The signaller then cleared the route to allow 5B87 to depart after TRTS operated by Platform Staff at Waterloo but without speaking to the Driver of 5B87 as agreed.
- 4.2 The Signaller had clear sight of the trains at Waterloo and did not correct the Driver that 5B87 was in Platform 10 at Waterloo and not Platform 11 as stated by the Driver. The Signaller acts as lead in Safety Critical communications as per the RSSB issued Safety Critical Communications Manual.
- 4.3 The delays caused in this Incident should be attributed to the Signaller at Wimbledon ASC for coming to a clear agreement with the Driver and then acting upon the TRTS after agreeing with the Driver to wait for a call back from 5B87.
- 4.4 Rule book Module TS1 Section 4.4.2 states "If you have cleared a signal for a train to start, you must not replace it to danger before the train starts until you have made sure that the Driver is aware that you are going to do so, or you have made sure the train does not have a Driver". "If you have issued an MA for a train to start, you must not withdraw it before the train starts until you have made sure that the Driver is aware that you are going to do so, or you have made sure the train does not have a Driver".

## 5 Network Rail's View

- 5.1 Network Rail believes this incident should remain coded to the SWR as the train should not have been TRTS as the train was not ready to depart.
- 5.2 The first train in the queue, 2P92, waiting platform was booked into platform 10 (where 5B87 was) therefore 2P92 was required to wait for 5B87 to depart regardless of the route setting issue.
- 5.3 Platform Staff TRTS 5B87 after initially speaking to the Driver and prior to the Driver re-contacting the Signaller.
- 5.4 As the driver had informed the Signaller that the train was on Platform 11 vice 10 this also contributed to the issue.
- 5.5 Potentially, had the Signaller not given the signal following TRTS and waited for a call from the driver and the train had been ready this would also been seen as a Signaller error. Potentially a no-win situation for the Signaller looking at the events in hindsight.
- 5.6 Once 5B87 was confirmed as ready to leave the route was re-set and train departed as soon as it was possible to do so. It is not believed 5B87 could or would have left any earlier had the previous route setting and subsequent route cancellation not occurred.

## 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 considered the Request for Guidance at its meeting on 17<sup>th</sup> December 2019 and took account of the following:
  - 7.1.1 The facts provided by SWR and Network Rail in connection with the incident disputed and the Joint Request for Guidance submission paper.
  - 7.1.2 The additional information provided by SWR 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 SWR 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 Principles and Rules (as was in place at the time of the incident occurring) 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 the SWR stance set out within the submission and the question asked of the Board relates to the entire incident and not whether Network Rail should be responsible for an identified part of that incident.
  - 7.2.2 That the majority (if not all) of the delay to 5B87 itself (and potentially similar for the Reactionary Delays) was due to the pass comm activation (based on the time 5B87 was eventually ready to depart regardless of the initial TRTS / route setting issue)

## **8 Guidance of the Board**

- 8.1 Based on the information presented, the Board agreed, by majority (ten in favour, none against but with two abstentions), the following: -
- 8.1.1 That SWR is responsible for the incident raised as part of this submission.
  - 8.1.2 That the Delay Code applied to the incident in this submission should be R1 (as currently coded) reflecting the cause of the incident being dispatch staff procedure irregularities.
- 8.2 In reaching its conclusion the Board also noted the following points:
- 8.2.1 If the SWR stance on the incident was different and it had asked the Board to provide guidance on the impact of the alleged Signaller error (rather than the whole incident as per its stance in the submission) then the submission would need to have more detail in terms of time lines and more accuracy in the facts provided.
  - 8.2.2 As presented the Board could not conclude whether the actions of the Signaller in reacting to the TRTS rather than waiting for the Driver to return the call was indeed an error and new Prime Cause (or not)
  - 8.2.3 As presented the Board considered whether the actions of the platform staff in pressing the TRTS knowing the Driver had left the cab was the new Prime Cause (and not the Signaller reacting to it)
  - 8.2.4 That the Operations fraternity should be concerned with, and dealing with, the discord in communication between the Signaller and Driver resulting in the 'let me know once you're ready to go' conversation. The Board itself debated as to whether that should result in a call back from the Driver or whether TRTS meets that criteria.
  - 8.2.5 Irrespective of 8.2.2 and 8.2.3, any additional impact of the initial route setting (in reaction to incorrect TRTS activation) would need to have been identified and agreed (and preferably separated from the main incident) by the parties.
  - 8.2.6 A Driver's report provided to the Board at the hearing (not in the submission pack) appeared to contradict some of the facts in the submission. It was disregarded by the Board with the transcript of the conversation between the Driver and Signaller taken as being a more accurate record of events.

This guidance was approved by the Delay Attribution Board on 14 <sup>th</sup> January 2020	Richard Morris (Chair)
Signature:	

**APPENDIX A**

**Additional information provided by SWR and Network Rail in response to questions by Board members prior to the 17<sup>th</sup> December 2019 Hearing.**

**Question 1** - Could 2P92 have gone into another platform had the route for 5B87 not have been set?

**Response (NR)** - At this time in the morning peak Waterloo is running at full capacity and option for re-platforming are limited and could cause bigger issues once re-platforming starts occurring

**Question 2** - How long was it between the TRTS being given (second time) and the Driver calling the Signaller back?

**Response (NR)** – The second call to the signaller was at 08:32 within a couple of minutes the TRTS was pressed for the second time. The train then waited for an appropriate slot to be able to depart.

**Question 3** - Was the Signaller clear which platform the driver was in - If not, why didn't he or she come to a clear understanding?

**Response (NR)** – Signaller did not query the initial statement by driver of being at W21 platform 11

**Question 4** - As per the Rule Book, should the signaller have waited for the driver to call back before giving him the route to take?

**Response (NR)** - The LOM at Wimbledon stated that the signaller would take the TRTS as a sign the train was ok to go as if the signaller ignored it and the train had been ready it was also be deemed as the Signallers responsibility.

**Question 5** – Can SWR confirm if the dispute is about the delay to 5B87 or the reactionary delays to 2P92 & those trains trapped in rear. If the latter was this mentioned in the initial dispute?

If not, when was it first brought up?

**Response (SWR)** - The dispute is about the Prime Cause of the incident and the reactions to the delay to 5B87 standing at Waterloo with the route set. It's not captured in the systems but was discussed before Day 7 as, otherwise, NR would not entertain the dispute.

**Question 6** - Could the queue of traffic outside of the station have dissipated using other platforms or were they always destined to be delayed due to a lack of available platforms to use?

**Response (NR)** - At this time in the morning peak Waterloo is running at full capacity and option for re-platforming are limited and could cause bigger issues once re-platforming starts occurring

**Response (SWR)** – The queue could have been dissipated using other platforms if they were available, but this would have caused reactionary delay. The plan at Waterloo is based on parallel moves. Stock also splits and attaches toward the end of the peak so there may have been further delay up to the impact of the TIN as it currently stands.

**Question 7** - Have the parties come to an agreement of how much delay would have been caused whilst the driver walked back and rectified the pass comm and how much could have been avoided by using other platforms for the queue?

**Response (NR)** – The Driver called Signaller back at 0832 so could assume that from the point of booked departure at 0818 until 0832 was the time it took to reset the passcomm. So, 14 minutes for passcomm reset then maybe a couple of additional minutes for a route to be set so maybe 16 minutes total. This was not agreed with SWR at time.

**Response (SWR)** - No. That has not been discussed. SWR would assume around 5-6 mins for a pass comm reset.

## APPENDIX B

**Additional information provided for clarification purposes by SWR and Network Rail during questioning by Board members at the 17<sup>th</sup> December Hearing.**

**Question 1** – Did the Signaller and Driver reach a clear understanding?

**Response (NR)** – It could have been clearer – the Signaller asked the Driver to let him know when he was ready to leave and took the TRTS as that advice. The LOM was asked and said he would expect the Signaller to react to the TRTS in this situation.

**Question 2** – Is it common practice to re-platform trains at Waterloo in the peak?

**Response (NR)** – They will attempt to where practical to do so but Waterloo is planned for parallel moves so creates conflicts with inward and outbound trains.

**Question 3** – What was the additional impact caused by the Signaller setting the route when reacting to the TRTS?

**Response (NR)** – The delay caused by the Signaller setting the Route has not been identified.

**Question 4** – Was it the platform staff that operated the TRTS?

**Response (NR)** – Yes. The Driver advised the platform staff he was going back to reset the pass comm but the platform staff then TRTS the train without the Driver being in the cab.

**Question 5** – So, the Signaller reacted to the TRTS being the agreed notification of being ready to depart?

**Response (NR)** He did and set the road.

**Question 6** – So would the additional delay not be the responsibility of the platform staff error?

**Response (NR)** – Possibly.

**Response (SWR)** – But the Signaller should still have waited for the Driver to call him back before setting the road.

**Response (NR)** – And if he had then the dispute would relate to why didn't the Signaller accept the TRTS as notification?

**Question 7** – Who is responsible for checking the train before it runs as an ECS?

**Response (SWR)** - The platform staff check the train before locking it out of use – and in this case there was still a person on board who then activated the pass comm.

**Question 8** – The first of the trains in the queue was booked into the platform occupied by 5B87. Could it have run into a different platform and what difference in time would that have been?

**Response (NR)** – As before, there are limited options in the morning peak and the Signaller will try to keep to booked platforms where possible. Unfortunately, the screen shot of Waterloo taken at the time has been misplaced.

**Response (SWR)** – The route locking also affected other trains from departing, not just the inward workings.