
Delay Attribution Board

Guidance No. DAB-26

1. Introduction

- 1.1. The Delay Attribution Board (the Board) received a request for guidance in connection with the Attribution of five separate TRUST incidents: 157140 (16th July 2010), 354746 (10th October 2010), 385321 (21st October 2010), 145365 (11th July 2010) and 157970 (16th July 2010). All of these incidents are associated with delays due to foreign objects wrapped around pantographs.
- 1.2. The Board received the joint request for guidance from London & Birmingham Railway Limited (London Midland) and Network Rail Infrastructure Ltd, London North West Route, (Network Rail) on the 7th September 2011.
- 1.3. The Board was asked to provide guidance on the correct attribution of the delays associated with these incidents. The parties also requested the Board to consider the provision of clearer guidance within the Delay Attribution Guide (DAG) as currently there is no guidance provided relating to objects found on pantographs as opposed to the overhead wires and third rail. The Board considered this request for guidance at its meeting on the 20th September 2011.
- 1.4. This note summarises the request for guidance received from London Midland and Network Rail (the parties) and the guidance provided by the Board.

2. Information Received

- 2.1. In all of the incidents it has been reported that the cause of delay is the result of plastic bags (or other similar objects) being wrapped around the pantograph equipment:
 - 2.1.1. TDI 157140 on 16th July 2010 - 2N54 (12:04hrs Longbridge – Lichfield City) was found to have a plastic bag wrapped around the insulators of the pantograph and caused a total of 131 minutes delay.
 - 2.1.2. TDI 354746 on 10th October 2010 - 2Y09 (11:14hrs Birmingham New Street – Euston) was found to have a plastic bag wrapped around the pantograph and caused a total of 35 minutes delay.
 - 2.1.3. TDI 385321 21st October 2010 - 2Y20 (17:53hrs Birmingham New Street – Euston) was found to have bubble wrap interwoven in the pantograph and caused a total of 29 minutes delay.

2.1.4. TDI 145365 on 11th July 2010 - 1Y40 (18:45hrs Rugby – Euston) was found to have a piece of paper wrapped around the pantograph and caused a total of 6 minutes delay.

2.1.5. TDI 157970 on 16th July 2010 - 1Y40 (16:33hrs Crewe – Euston) was found to have plastic wrapped around the pantograph and caused a total of 60 minutes delay.

2.2. In advance of the meeting the parties confirmed that the delays were caused as a result of the time taken to remove the object concerned from the pantograph which was undertaken at a station.

3. London Midland View

3.1. London Midland has used all sources of information available to the company to investigate the cause of delay and found no known cause from within London Midland.

3.2. In all 5 cases, no faults were found with the Electric Multiple Units involved.

3.3. London Midland notes that no part of the design or operation of the rolling stock in question features plastic bags and therefore, as such, the bags wrapped around the pantographs could not possibly have originated from the rolling stock involved.

3.4. Similarly, London Midland understands that plastic carrier bags are not a component in the design or operation of the overhead line equipment. London Midland therefore believes that they originated from either on, or off, the Network and were blown into the swept envelope of the trains in question.

3.5. Paragraph 42.5 of Determination ADP 30 in February 2008, in respect of a reference between First Capital Connect and Network Rail states “...whilst the operation of the Delay Attribution Guide does not require the parties to carry out a forensic consideration of any chain of causality... it is determined that this incident should be coded in a way that reflects that the responsibility for keeping the swept envelope clear of extraneous objects (whatever their provenance) lies with Network Rail”.

3.6. The swept envelope is defined in Railway Group Standards as “a cross sectional profile, taken at right angles to the track, enclosing all dynamic movements, static deflections and overthrows of all points along the surface of the vehicle”. This therefore includes the pantograph mechanism of Electric Trains.

3.7. Network Rail's argument that section 5.3 (a) (iii) of Schedule 8 of the track access contract applies is incorrect as although the plastic items in question have become wrapped around the

pantograph (so entering the swept envelope of the trains in question) they do not affect the transmission of the traction current or operation of the rolling stock. The sole reason for removing the plastic is to avoid a more serious incident arising from the plastic becoming tangled with the overhead line equipment and causing harm or damage to that equipment.

3.8. The delay coding allocated by Network Rail in two of the incidents was M1 "pantograph". As there was no fault with or damage to the pantograph, to code to a pantograph fault would be incorrect.

4. Network Rail View

4.1. Network Rail has used all sources of information available to the company to investigate the cause of the delay and found no known cause within Network Rail.

4.2. In all cases no infrastructure defects or issues have been reported.

4.3. Network Rail believes where objects that are found to be wrapped around a train pantograph and cannot be proven to have originated from the OHLE, then the delay caused by such incidents are wholly train borne and cannot be associated with the infrastructure.

4.4. Network Rail does not agree with the London Midland statement that "*In all cases listed above, no faults were found with the Electric Multiple Units involved.*" Network Rail believes that the fact that in each incident a foreign object has been identified "wrapped around the pantographs", i.e. part of the fabric of the train, that this in itself is a train borne fault.

4.5. In situations where the origin of the object found to be wrapped around the train borne equipment is not known then the principles established with AD39 with specific regard paragraph 8 should apply. That is, "*Establishing possible chains of causality, relates, speculatively, to matters which may or may not have led to Delay, and which are not therefore themselves Delay Incidents; as such they have no part in the operation of Schedule 8, nor are they within the province of the TRUST Delay Attribution Guide*".

4.6. With specific regard to this submission, if it is not known how or where the objects came to be on the pantographs, one can only speculate on matters that may or may not have led to the delay of the trains.

4.7. London Midland have stated that the objects must have "*originated from either on, or off the Network, and were blown into the swept envelope of the trains in question*". London Midland are therefore speculating as to the where the objects came from and cannot

possibly know if they were blown onto the pantograph or into the pan well and at what point this happened.

- 4.8. In situations where it is reported that a train has a foreign object on the pantograph and the train is operating normally without incurring delay until the point where it is reported to be present, Network Rail believes that any delay caused as a result of the removal of the object from the train should not be attributable to Network Rail. At no point has there been any report of an infrastructure defect and the infrastructure has remained available throughout.
- 4.9. Network Rail believes that where there is no prior evidence or reports of objects on the OHLE and the objects are found to be wholly associated with train borne equipment (not in contact with the electrical supply) then the delay should be attributed to the operator of the train.
- 4.10. Network Rail would state that at no point in any of these incidents has it been demonstrated that the object originated on Network Rail infrastructure or that the train did not enter service in this condition.
- 4.11. Network Rail would state that in circumstances where it cannot be proven that the object affecting the train originated from the infrastructure, paragraph 5.3 (a) (iii) of Schedule 8 of the Track Access Contract should apply. That is, *“(whether or not the Train Operator is at fault) by any act, omission or circumstance originating from or affecting rolling stock operated by or on behalf of the Train Operator.....”*.

5. Locus of the Board

- 5.1. 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.
- 5.2. The Board noted that while it could offer guidance to the parties as to how incidents of this nature should be attributed, this guidance was not binding on any party. If any of the Access Parties were dissatisfied with the guidance provided they could refer the matter to Access Dispute Adjudication (ADA).
- 5.3. If the issue is referred to ADA, then an Adjudication Panel (the Panel) would be formed to consider the dispute. In doing so, the Panel would take account of the guidance provided by the Board but would not be bound by it. The 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 which explain how the Board arrived at its position both to the parties and, if necessary, to the Panel.

5.4. 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"*

5.5. The Board would need to consider if, in providing guidance, an amendment to the DAG should be proposed, to improve clarity.

6. Consideration of the Issues

6.1. The Board at its meeting on 20th September 2011, considered the request for guidance and took account of the following:

6.1.1. The facts provided by both Network Rail and London Midland in connection with the incidents disputed between the parties and their respective requests for guidance.

6.1.2. The verbal information provided by the representatives of Network Rail and London Midland at the Board meeting.

6.1.3. The relevant provisions of the DAG.

6.2. In coming to its conclusion the Board regarded the following points as particularly relevant:

6.2.1. The parties have not disputed the facts of the incidents.

6.2.2. The DAG does not provide specific guidance on the attribution of delays of this kind.

6.2.3. The pantographs functioned normally and no delays were caused by any failure of train-borne equipment.

6.2.4. The objects were reported as plastic bags, bubble wrap or paper and in all cases were capable of being readily carried by the wind or air turbulence.

6.2.5. The source of the objects was unknown.

6.2.6. Visual inspection of trains at start of day may not normally include inspection of the well of the pantograph.

6.2.7. The delays were caused due to the trains being held at stations whilst the objects were removed from the pantographs.

6.2.8. London Midland confirmed that the objects were removed to prevent the risk of damage to overhead line and pantograph.

6.2.9. Network Rail had not requested that the trains be held in any of the incidents concerned although it was noted that in two of the incidents, the signaller had observed and reported the object so the train was inspected as a result.

6.2.10. The reports of sighting of the objects on the pantographs had been made by signallers or station staff.

6.2.11. The DAG indicates that where safety reports are made by staff or the public, whether or not any fault is found, the attribution of delay is usually made to the party responsible for

the asset concerned, (for example, rolling stock to the train operator, track or signals to Network Rail).

Guidance of the Board

- 6.3. The Board agreed unanimously that the principle stated in paragraph 6.2.11 above should also apply for these particular incidents so that where the origin of an object that can be readily carried by the wind or air turbulence is found wrapped around a pantograph cannot be established, and delay was caused due to the action of removing the object, the incident should be attributed to the train operator.
- 6.4. However, where the origin of the object can be established, attribution should be made to the party responsible for the asset concerned, (for example, if the object originated from the overhead line, then the attribution would be to Network Rail).
- 6.5. This guidance is considered to be consistent with the safety reporting principles and attribution currently applied in DAG Section 4.24.
- 6.6. The Board recommends the use of Delay Code VZ for passenger services and FZ for freight services as there is no specific Delay Code representing this circumstance in the DAG.
- 6.7. The Board agreed that the DAG would benefit from the addition of clearer guidance for the attribution of this kind of incident and requested that the Secretary make recommendations for an appropriate proposed DAG amendment to the Board.

This guidance was approved by the Delay Attribution Board on 18 th October 2011.	Nigel Oatway (Deputy Chairman)
Signature:	