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# Delay Attribution Board

## Guidance No. DAB-3

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### 1. Introduction.

- 1.1 The Board received a request for guidance from Chiltern Railways and Network Rail Infrastructure Ltd on the attribution of delays caused by a right side failure on critical safety systems but where no fault can be found with either the train-borne or the railside equipment.

### 2. Information Received

- 2.1 Whilst the request for guidance was not in association with a specific incident it was associated with “no fault found” attribution to the following equipment types:

- ATP;
- AWS;
- CSR;
- TPWS
- HABDs.

### 3. Network Rail Position

- 3.1 In making the submission for guidance it was noted that Network Rail did not take a specified position.

### 4. Chiltern Trains Position

- 4.1 In making the submission for guidance it was noted that Chiltern Trains did not take a specified position.

### 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 was defined in the Network Code B2.4.3 and B6.13.
- 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 the parties. If one or both parties were dissatisfied with the guidance provided they could refer the matter to Access Disputes Committee (ADC) but could only do so by submitting a specific incident that was in dispute. Any incident that was to be put before ADC would also need to pass through the DAB so that the facts specific to that incident could be considered.
- 5.3 If an incident were referred to ADC, then ADC would consider the guidance provided by the Board but were not bound by it. ADC 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 ADC.
- 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 Delay Attribution Guide should be proposed, to improve clarity.

**6. Consideration of the Issues**

6.1 The Board noted that 4.20.3 (d) and 4.25 of the Delay Attribution Guide on first examination appeared to conflict with each other. 4.20.3 (d) provided guidance that in respect of HABD equipment “no fault found” or “wrong detection” should be attributed to “IN”. 4.25 on the other hand indicated for all remote condition monitoring equipment that where no fault could be found on the train and the lineside equipment was confirmed to be working correctly the delay should be attributed to the train operator.

6.2 The use of “watchdogs”– equipment that remotely monitored the state of the equipment, was also discussed / considered.

**7. Board Guidance**

7.1 After consideration the Board unanimously agreed that delays should in the first instance be attributed to the train operator as it must be assumed that it relates to a safety of the line incident.

7.2 If at Level 2 there is further evidence following appropriate investigation changes may be made to the attribution if deemed appropriate. The responsibility would only normally be changed if:

- A fault is identified - in which case coding should reflect the actual fault; or
- Multiple trains have reported the same problem at the same location – in which case the appropriate infrastructure failure code should be used.

7.3 A proposal for change to the Delay Attribution Guide will be developed by the Board Secretary. The objective of the proposal for change will be to improve clarity and remove the apparent conflict between 4.20.3 (d) and 4.25. The proposed change will be incorporated within the wider review of the delay attribution process.

7.4 The Board in its consideration of the issue raised also noted that there is a difference in the approach for fault reporting with CSR equipment compared to the other types of equipment mentioned. The Board Secretary will also develop a proposed change to address this issue.

This guidance was approved by the Delay Attribution Board on June 22 <sup>nd</sup> , 2005	John Rhodes (Chairman)
Signature:	