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## **Delay Attribution Board**

### **Guidance No. DAB-34**

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#### **1. Introduction**

- 1.1. The Delay Attribution Board (the Board) received a request for guidance in connection with the attribution of TRUST incident 182867, associated with delay caused by a failure to register onto the GSM-R system.
- 1.2. The Board received the joint request for guidance from First Great Western (FGW) and Network Rail Infrastructure Ltd, Western Route, (Network Rail) (the Parties) on the 4th April 2014.
- 1.3. The Parties asked the Board to give the following guidance on the following matters:
  - 1.3.1. The correct attribution of delays arising as a result of GSM-R registration clashes when the Wildcard is used in place of signal number.
  - 1.3.2. How such incidents should be attributed. There are three options:
    - a) To 'J0 IQAJ' as a known software issue with versions 2.6 and 2.8.
    - b) To 'TG driver' for use of the Wildcard when a signal number ought to be utilised.
    - c) To a joint responsibility manager code to reflect the Network Rail root cause and TOC ability to mitigate.

#### **2. Information Received**

- 2.1. The Parties have discussed the issues relevant to this matter, in accordance with the agreed procedures for obtaining agreement in relation to a disputed attribution as set out in Part B of the Network Code. However, they have been unable to reach a common position. The Parties are therefore agreed that the issue raised should be referred to the Board for guidance.
- 2.2. The Parties submitted the agreed factual background and their respective views on how the incident should be attributed.
- 2.3. In addition to a joint request for guidance, the Parties referred to the following two appendices:
  - Appendix 1. GSM-R Bulletin 21 (version 02) – a bulletin provided to Signallers and Drivers to provide information and action on the management of GSM-R registration.
  - Appendix 2. Table 1; Registration Failure Causes – an extract from the GSM-R Incident Resolution Guide. This appendix provided an example of a type of registration failure for which the Parties agreed Network Rail would be responsible for.

### **3. Factual Background to incident 182867**

The parties provided the following agreed facts:

- 3.1. On 9 December 2013 2S20 08:40 Windsor & Eton to Slough experienced a three minute late start which was reported by the signaller as due to a GSM-R problem. No further details were provided on the day of the incident.
- 3.2. Following investigation it became apparent that the delay was due to an inability to register due to a clash with a South West Trains service (2S20) scheduled to run at a similar time on a different part of the network. The clash was caused by both services having the same Train Reporting Number ("TRN") and both drivers using the same Wildcard rather than the correct signal number.
- 3.3. After reporting the problem the driver went forward using Cab Secure Radio as per instructions.

### **4. FGW View**

- 4.1. The GSM-R system generates the same TRN for trains of the same headcode regardless of whether they are on the same or adjacent route at similar times.
- 4.2. This imports the risk of registration rejection when two services with the same TRN both use the same Wildcard. The second service to attempt registration will receive a rejection.
- 4.3. Drivers are known to be using the wildcard on occasions when they could use signal numbers due the volume of issues previously experienced with registration attempts being rejected. Drivers have become used to using the wildcard to circumvent a variety of other issues such as Datafill issues resulting in the correct signal number being used resulting in a rejection.
- 4.4. Since FGW went live with GSM-R in December 2012 there have been more than 700 incidents which have resulted in a delay requiring the creation of a TRUST incident. Over 80% have been found to be the responsibility of Network Rail. The issues are primarily software problems, stuck headcodes, signaller error and mid journey re-boots. FGW are continuing to brief drivers to use signal numbers where appropriate but until the issues are resolved the situation is likely to continue for FGW and other Operators. The ability to resolve the root cause of the problem lies with Network Rail and therefore attribution should be to J0 to reflect that.
- 4.5. In many cases the use of the wildcard is legitimate e.g. at depots or where an alias plate is in use. In these circumstances Network Rail accept responsibility for the software issue as J0 IQAJ. (*Reference is made to Appendix 2.*)

## 5. Network Rail View

- 5.1. In accordance with industry documentation all versions of GSM-R software a driver should register using the signal number unless specifically instructed to use a wildcard. This instruction forms part of the driver briefings on the system. (*Reference is made to Appendix 1.*)
- 5.2. In early software versions a train registers using a TRN which is unique to the 4 digit headcode – therefore trains with the same headcode operated will have the same TRN issued. Where there is a full registration attempt and two trains have the same TRN and an alternative code is needed from the signaller these incidents are accepted to J0.
- 5.3. Drivers should not be registering using the wildcard unless specifically instructed to; the GSMR system does not know where the train is on the network if this occurs and therefore the signal number is an essential key safety requirement for registration. The use of the wildcard should only take place at specific locations (depots and alias plated locations) or under instruction.
- 5.4. Network Rail accepts that where a driver is instructed to use the wildcard and is subsequently unable to register as another service with the same headcode is already registered then this is a system limitation. As such incidents of this nature are not disputed and should be coded to Network Rail.
- 5.5. Delays resulting from the use of the wildcard where not instructed to are as a result of drivers not following the advised process and are therefore distinct to duplicate TRN incidents.
- 5.6. However, drivers have formed a habit of using the wildcard as a short cut without attempting to register fully using the signal number first; this is contrary to driver training and briefings. The driver is seeking to register to the system contrary to instructions and this is beyond Network Rail's ability to prevent or mitigate. Incidents of this nature where drivers are not undertaking proper registration through habitual use of the wildcard should be attributed to driver as only FGW have the ability to mitigate driver behaviour.

## **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 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).
- 6.3. If the issue was referred to ADA, the ADA Panel would take account of the guidance provided by the Board but was not 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 Guide (DAG) should be proposed, to improve clarity.

## 7. Consideration of the Issues

7.1. The Board considered the request for guidance at its meeting on 15 April 2014 and took account of the following:

- 7.1.1. The facts provided by both Network Rail and FGW in connection with the incident disputed between the Parties and their requests for guidance.
- 7.1.2. The oral information provided by the representatives of Network Rail and FGW at this Board meeting.
- 7.1.3. The guidance provided by the DAG.
- 7.1.4. The Parties informed the Board that this registration matter applied to duplicate TRNs on the system nationally and not just at a GSM-R cell level.
- 7.1.5. The Parties informed the Board that this registration matter is not limited to specific locations.
- 7.1.6. The Parties informed the Board that new software releases by Network Rail have not resolved the inherent problem giving rise to the registration failures.

7.2. In coming to its conclusion the Board regarded the following points confirmed by the Parties as particularly relevant:

- 7.2.1. This incident dispute is concerned with Drivers using a 'wildcard' to register on the GSM-R system and not simply the fact that of duplicate TRNs can be present on the system at the time of registration.
- 7.2.2. Bulletin 21 is considered an operational instruction and not an advisory or guidance note.
- 7.2.3. That the aim of Bulletin 21 is to stop Drivers using 'wildcards' without talking to the Signaller.
- 7.2.4. That approximately 25% of registrations were made with the Driver using a 'wildcard'.
- 7.2.5. The implementation of Bulletin 21 is intended to avoid registration problems causing delays.
- 7.2.6. These types of delay are caused specifically where a Driver has not followed instructions and that this is contrary to training provided to the drivers by FGW.
- 7.2.7. In order for the circumstances of this incident to occur one Driver must have already contravened Bulletin 21 instruction and a second driver contravening the instruction would introduce the risk of delay being caused.

## 8. Guidance of the Board

- 8.1. The Board considered the guidance request and unanimously agreed the following:
- 8.1.1. The Board considered the specific question asked by the Parties (i.e. whether attribution should be 'to a joint responsibility manager code to reflect the Network Rail root cause and TOC ability to mitigate') and agreed that joint responsibility was not appropriate as there was no ambiguity in the cause of the delay and no commercial agreement had been suggested.
  - 8.1.2. That formal instruction must be followed by staff working on the railway, particularly when instructions are connected with safety related systems. The Board could not give guidance that might introduce perverse incentives and be seen to endorse a non-application of instructions.
  - 8.1.3. That the cause of incident 182867 was the inappropriate use of the GSM-R 'Wildcard'.
  - 8.1.4. It was considered that DAG Section 4.42.2 (f) (GSM-R faults/failures) was applicable and indicates that Driver error should be attributed Delay Code TG. It was the identification that a Driver error had occurred that enabled this guidance to be applied.
  - 8.1.5. That responsibility for delays allocated to TRUST incident 182867 should therefore be attributed to FGW.
- 8.2. The Board agreed that the DAG Section 4.42.2 (f) would benefit from the addition of text indicating that Driver error includes the 'inappropriate use of Wildcards'. The Secretary was asked to draft an amendment to this effect.

This guidance was approved by the Delay Attribution Board on 13 <sup>th</sup> May 2014.	Richard Morris (Chairman)
Signature:	 13/5/2014