
Delay Attribution Board

Guidance No. DAB-5

1. Introduction

- 1.1 The Board received a request for guidance from New Southern Railway Ltd (Southern Railway) and Network Rail Infrastructure Ltd on May 25th, 2005 in relation to delay caused by 200Hz Frequencies in the conductor rail affecting trains comprised of Class 377 Electrostar units.

2. Information Received

- 2.1 The request for guidance specifically related to the allocation of responsibility under Schedule 8 for incidents in which there was disruption to rail services associated with a 200Hz interference signal (source unknown). The 200Hz interference signal was being transported through the railway infrastructure in the Selhurst area causing the Line Interference Monitor (“LIM”) devices installed on Class 377 Electrostar units to trip. The LIM trips will not shut down the Class 377 units immediately but instead will not allow the units to restart after they are berthed for a period of time. This usually means that the LIM trips are identified when the units that have been affected by the 200Hz signal return to depot and a system diagnostic is carried out, requiring the LIM to be reset before the unit could re-enter service. A LIM reset is required to be carried out in both cabs of the unit
- 2.2 The request for guidance concerned the correct allocation of delay for the purposes of Schedule 8 of an incident associated with the circumstances of the 2A21 06:19 Brighton to Victoria service which failed at Lovers Walk Depot, Brighton.
- 2.3 On Tuesday 19th August 2004 2A21 was 15 minutes late leaving Lovers Walk depot, according to Southern’s Control log, due to “a LIM key reset required”.
- 2.4 The final outcome for this incident would set a precedent and direction for resolution of all other related historic incidents pertaining to 200Hz frequencies causing the LIMs on Class 377 units to trip.

3. Southern Railway’s Position

- 3.1 Southern Railway presented the view that delay only occurs as a result of a Class 377 experiencing a prohibitive exceedence through the third rail supply. The train’s systems record the exceedence and thus the surge can be demonstrated. Southern Railway therefore believed that the root cause of the delay is a specific supply exceedence on a specific section of the network around the Selhurst area, and consequently the delay, however later in time it manifests itself, should be attributed to Network Rail.

4. Network Rail’s Position

- 4.1 Network Rail presented the view that the reason that the delay occurred was due to the Class 377’s monitoring systems closing down the unit, after conducting a diagnostic test which picks up the LIM trip. The diagnostic test is usually carried out in the early hours of the morning “off-network” within the depot some considerable time after the 200Hz exceedence has been detected.

The train would operate normally until the diagnostic test but then was unable to operate until the LIM had been reset. On this basis the delay was caused by the unit and therefore delay should be attributed to Southern Railway.

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 B6.1.3.
- 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 one or both parties were dissatisfied with the guidance provided they could refer the matter to Access Disputes Committee (ADC).
- 5.3 If the issue were referred to ADC, then an ADC Panel would be formed to consider the dispute. In doing so, the ADC Panel would take account of the guidance provided by the Board but were not bound by it. The ADC 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 ADC 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 Delay Attribution Guide should be proposed, to improve clarity.

6. Consideration of the Issues

- 6.1 The Board at its meeting on June 22nd, 2005 in considering the request for guidance took account of the following:
 - i). A joint submission of a report from Southern Railway and Network Rail setting out the issues and their respective positions;
 - ii). A presentation by Southern Railway of their position;
 - iii). A presentation by Network Rail of their position;
 - iv). A question / answer session around the source of 200Hz frequencies;
 - v). The wording in the Delay Attribution Guide;
 - vi). The wording in the Franchised Passenger Template Track Access Agreement relating to allocation of delay between Network Rail and the Train Operator;
 - vii). The basis of the determination made by ADRC in respect of fire on rolling stock at Colchester (AD39).
- 6.2 In particular the Board noted that:
 - i). The specific cause of the 200Hz interference could not be identified;
 - ii). The delay was caused by the train failing to operate once a diagnostic test had been carried out usually some considerable time after which identified that 200Hz frequency had been detected during operation;

- iii). 200Hz frequency does not have any harmful effect on signalling or trains, and the electrical engineer had, after consulting leading experts in electrical engineering concluded that the network is not capable of producing 200Hz;
- iv). Other forms of traction are unaffected by 200Hz frequencies and are unaffected by it;
- v). Schedule 8, Clause 5.3 (a) (iii) of The Template Passenger Track Access states that the Train Operator is responsible for minutes delay if the cause is wholly or mainly:

“(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 (including its operation).....”

- vi). ADRC in providing a determination on attribution in respect of a fire on a train at Colchester (AD39) stated:

“The Committee could see no logical circumstance where a Fire on a Train, however started, could be construed as anything other than a “circumstance originating from or affecting rolling stock operated by or on behalf of the Train Operator (including its operation)”.”

7. Guidance of the Board

- 7.1 Taking the factors detailed above into account the Board could see no logical reason why a diagnostic test, which subsequently identifies that the LIM has tripped after detecting a 200Hz frequency resulting in the shut down of the unit, could be construed as anything other than a *“circumstance originating from or affecting rolling stock operated by or on behalf of the Train Operator (including its operation)”*.
- 7.2 On this basis it was unanimously agreed by the Board that the guidance is that the delay should be attributed to the Train Operator to causation code “MM”.
- 7.3 The Board concluded that there was no requirement to amend the Delay Attribution Guide.

This guidance was approved by the Delay Attribution Board on July 19 th , 2005	John Rhodes (Chairman)
Signature:	