
Delay Attribution Board

Guidance No. DAB-6

1. Introduction

- 1.1 The Delay Attribution Board (Board) received a request for guidance in relation to delays associated with a reported signalling anomaly on September 28th, 2004, from Network Rail Infrastructure Ltd (Network Rail) and Chiltern Railway Company Ltd (Chiltern Railway) on February 28th, 2005, but this was withdrawn by Network Rail at a Board meeting on March 8th, 2005. The paper was subsequently resubmitted on July 26th, 2005.
- 1.2 The Board considered this request for guidance at its meeting on September 15th, 2005.
- 1.3 This paper summarises the request for guidance received from Network Rail and Chiltern Railway and the guidance provided by the Board.

2. Information Received

- 2.1 The incident arose on September 28th, 2004 following a report received from a driver that he/she had seen an incorrect signalling sequence which precipitated special working arrangements whilst an investigation took place.
- 2.2 Later on, evidence from both the signalling data loggers and the forward facing CCTV on the unit both showed that the driver was mistaken and that the signals had shown the correct aspects throughout.
- 2.3 Network Rail and Chiltern Railway both agreed entirely as to the events that occurred and the Board was not therefore being asked to adjudicate between differing versions of the facts.
- 2.4 Both parties have however been unable to agree the causation code that should be applied because neither Schedule 8 nor the Delay Attribution Guide is believed to provide sufficient guidance to allow satisfactory attribution to one party or another for this incident.
- 2.5 Both parties have therefore agreed that it should be referred to the Board for guidance.

3. Locus of the Board

- 3.1 The Board reviewed its locus in respect of providing guidance on this issue. The Board's locus to provide guidance is defined in the Network Code B2.4.3 and B6.1.3.
- 3.2 The Board noted that while it could offer guidance to Network Rail and Chiltern Railway as to how incidents of this nature should be attributed, this guidance was not binding on either party. If one or both parties were dissatisfied with the guidance provided they could refer the matter to Access Disputes Committee (ADC).
- 3.3 If the issue were referred to ADC, then the ADC would form a Panel (ADP) to consider the dispute. In doing so the ADP would take account of the

guidance provided by the Board but were not bound by it. After consideration of the issues ADP would then make a determination that was binding on the parties concerned. This document is therefore being prepared as the vehicle for providing guidance to the parties and the reasons for how the Board arrived at its position both to Network Rail and Chiltern Railway and, if necessary, to ADP.

- 3.4 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”

- 3.5 The Board would need to consider if, in providing guidance, an amendment to the Delay Attribution Guide should be proposed, to improve clarity.

4. Consideration of the Issues

- 4.1 The Board at its meeting on September 15th, 2005 considered the request for guidance took account of the following:

- i). The paper received from Network Rail and Chiltern Railways;
- ii). The wording in the Delay Attribution Guide;
- iii). The wording in the Template Passenger Track Access Agreement, particularly Schedule 8 - relating to allocation of delay between Network Rail and the Train Operator; and
- iv). AD37 published by the Access Dispute Resolution Committee (ADRC).

- 4.2 In particular the Board noted that:

1. In the Delay Attribution Guide under 4.24.2 (f) it states:
“Should no cause be apparent for a change of signalling aspects or other reported signalling anomaly” the Guide indicates that delay should be attributed to “JM”.

However the reluctance to use this code was based the fact that whilst it was reported to be a signalling anomaly the signal was working correctly.

2. The principle established by ADRC in publication of determination AD37 where you should look to the point at which delays started to be incurred.

In this instance delay started to be incurred from the time that the driver believed that he/she had observed a signalling anomaly.

- 4.3 The Board therefore concluded that the driver had reported the perceived anomaly in good faith and that this fell within the definition of 4.24.2 (f) in respect of “other reported signalling anomaly”.

- 4.4 This should even be applied where the report was subsequently found to have been working correctly as currently the guidance took no account of improved information gathering abilities i.e. use of data loggers or CCTV. This did raise a question as to whether guidance should be reviewed to take account of such equipment but this could only be done by following due

process which would enable all industry parties to comment on any proposed change to the Delay Attribution Guide before it was introduced.

5. Guidance of the Board

- 5.1 Taking the factors detailed above into account the Board unanimously agreed that the guidance contained within the Delay Attribution Guide was correct in providing guidance in such circumstances to be attributed to “JM”.
- 5.2 The Board therefore concluded that there was no requirement to amend the Delay Attribution Guide.

This guidance was approved by the Delay Attribution Board on October 12 th , 2005	John Rhodes (Chairman)
Signature:	