
Delay Attribution Board

Guidance No. DAB-7

1. Introduction

- 1.1 The Delay Attribution Board (Board) received a request for guidance from CrossCountry Trains Ltd (CrossCountry) on June 15th, 2005 in relation to delays associated with a fatality at Basingstoke station on April 13th, 2005 – incident number 419633.
- 1.2 The Board considered this request for guidance at its meeting on July 19th, 2005.
- 1.3 This paper summarises the request for guidance received from CrossCountry and the guidance provided by the Board.

2. Information Received

- 2.1 CrossCountry were attributed a delay incident on April 13th, 2005 following a fatality at Basingstoke station, involving another operator's service.
- 2.2 Following the fatality all lines through the station were closed to trains pending the removal of the body and the clear up operation. It was confirmed that the person jumped in front of the train and had done so from the platform at Basingstoke station.
- 2.3 Cross Country indicated that as per Section 4.10.2(b) of the Delay Attribution Guide the incident had been correctly coded, as the fatality occurred within the station limits and both passage of trains and access to and from trains was affected by the incident. As a result CrossCountry has been allocated 387 minutes of delay for the incident.
- 2.4 On the basis that CrossCountry do not operate any stations under a Station Operating Agreement it does not have any direct influence over the access of customers onto the station platforms. CrossCountry therefore requested guidance from the Board with a view to changing the Delay Attribution Guide to reflect a better position for the TOCs who have no direct influence over events of an incident, especially at stations which they do not operate.

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 was defined in the Network Code B2.4.3 and B6.1.3.
- 3.2 The Board noted that while it could offer guidance to CrossCountry as to how incidents of this nature should be attributed, this guidance was not binding on CrossCountry. Whilst the guidance sought was in relation to a specific incident the Board noted that this incident had been accepted by CrossCountry. On this basis If CrossCountry were dissatisfied with the guidance provided it could not be referred to Access Disputes Committee (ADC).

- 3.3 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”

- 3.4 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 July 19th, 2005 considered the request for guidance took account of the following:

- i). The letter received from CrossCountry;
- 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). AD16 published by ADRC.

- 4.2 In particular the Board noted that:

- i). The Template Track Access Agreement for passenger operators which also applies to CrossCountry in Schedule 8 Clause 5.4 clearly states:

“(a) Railtrack and the Train Operator shall be allocated joint responsibility for:

(i) any incident which is not a planned incident caused by any act, omission or circumstance originating in connection with or at a station which:

(1) is an act, omission or circumstance which affects the Network, or its operation, and prevents a Train entering or passing through a station at the time it is scheduled to do so; and

(2) prevents the access of passengers through the station to or from the Train;

and paragraphs 5.2 and 5.3 shall not apply to any such incident.”

- (ii) The Delay Attribution Guide provided guidance consistent with the provision of Clause 5.4 of Schedule 8;
- (iii) The application of “Joint Responsibility” was not conditional on whether the Train Operator was the operator of the station where a “Joint Responsibility” was deemed to apply – the conditions having met the definition of “Joint Responsibility” contained within Schedule 8;
- (iv) AD16 made it clear that a Train Operator and the functioning of the Track Access Agreement are wholly separate from any consideration of who may be the operator of the station concerned; and

- (v) The relative weight of the Template Track Access Agreement and the Delay Attribution Guide against each other.

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 correctly aligned with the Template Track Access Agreement and was therefore appropriate in its current form. Whilst the Delay Attribution Guide was now part of the Network Code it was not the intended purpose of enabling changes to be incorporated within the Delay Attribution Guide that would invalidate provisions within the Track Access Agreement. There was therefore no justification in revising the Delay Attribution Guide in the way proposed.

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	John Rhodes (Chairman)
Signature:	