

Delay Attribution Board Meeting of 3rd July 2018

Summary of Meeting

VTEC and NR OLE update:

In respect of the Request for Guidance submitted by VTEC in March, both VTEC (now LNER) and Network Rail (LNE Route) had provided the Board with an update in preparation for the diarised review session at the 31st July Board meeting.

The Chairman suggested to the Board that it would be wrong for the Board to provide formal Guidance on an issue when it was aware that ongoing investigations are due to conclude very soon after the Guidance review session. Potentially a cause could subsequently be identified that then conflicts with the guidance provided.

Concern was raised that Network Rail had already had an extension from the original commitment made to the Board and this could be seen as condoning Network Rail's approach and subsequently there could be no end to the proceedings if the same should happen yet again.

The Chairman concurred with the sentiment and suggested that the Board write to both parties setting out that no further extension should be afforded to Network Rail and further decree the requirement for them both to attend the Board meeting on September 25th setting out their respective positions and conclusions of the investigations – this is on the presumption that the Parties cannot agree resolution as a result of the investigations being concluded.

Escalation Process:

The Secretary provided the Board with an Escalation Process whereby the Board escalate issues to ORR and DfT directly rather than NTF.

The Chairman cited that the Board need to better utilise the ORR and DfT observers as a direct escalation process and this can be discussed further at a proposed session the Chairman has diarised to take place after the next Board meeting on the 31st July with ORR and DfT.

Request for Guidance

The Board received a submission of a Single Party Request for Guidance from GoVia Thameslink Railway (GTR) for which the subject matter was regarding the attribution of delays due to an Automatic Dropper Device (ADD) activation in the Hornsey area.

Network Rail had been contacted and offered the opportunity to engage in the process whereby a position statement was submitted and provided to the Board as part of the Hearing pack.

The Board was advised that of the two incidents which formed the Guidance Request that Network Rail had since accepted one of the incidents (911435).

The GTR representative provided an overview of the incident itself setting out that droppers hanging from the OLE was identified as the cause but that Network Rail are citing GTR as responsible for not completing pantograph modifications that is believed could have prevented the incident.

The GTR representative stated that the pantographs as fitted to the unit involved meets all required standards and Network Rail has not, to date, been able to demonstrate that the pantograph modifications are mandatory or has been forthcoming with any information as to the cited Network Rail investigations despite a number of requests by GTR.

GTR had raised concerns that the escalation process has not been fully complied with due to the LNE Route escalating the incident straight to Level 4, not only bypassing the Level 2 and 3 process but also excluding GTR's lead Route (SouthEast) who should be conducting the meetings.

Additionally, GTR expressed concern that despite Network Rail (LNE) representatives having three separate meetings / teleconferences with GTR executives in relation to this matter it has been cited by the Network Rail (LNE) representative that a Level 4 meeting has not been held.

The Secretary was asked whether as part of the Single Party submission process the 'other' Party is asked to confirm that the investigation and escalation process has been followed and concluded. It was suggested that if that Party states it hasn't then the paper is not submitted to the Board. The Secretary advised this can be incorporated into the process but may well mean that the 'other' Party could cite a negative response and therefore stop any paper from being heard by the Board.

Through the subsequent discussions in relation to this hearing it was identified (by admission) that a Network Rail member had been in correspondence with the LNE Route representative. Whilst this was justified as being a result of it being a Single Party submission and needing to clarify certain aspects, members expressed concern that a Board member has effectively had prior involvement in the submission and was now providing 'new' information on behalf of a Party that chose not to attend the hearing and which was not included in the hearing pack.

Discussions and considerations by the Board included, but were not limited to, the following:-

- That it seems the Level 4 discussions have not been concluded (irrespective if a specific Level 4 meeting had been conducted or not)
- That the identified cause of the incident (based on facts provided) is the dropper(s) hanging from the OLE.
- That the same class of unit are still permitted by Network Rail to run on the network without the modifications to the pantographs (and through the same section where the incident occurred) with no restriction.
- That different classes of units with the same pantograph design are also still permitted to run on the network with no restriction.
- That the OLE configuration at the location of the incident is considered bespoke.

A general consensus of members was attained based on the facts as presented but until the Level 4 process is confirmed as being concluded by both Parties that the Board should not, at this stage, provide formal guidance to this effect.

It was therefore proposed and agreed that the Board will write to the Parties involved and advise that a Level 4 meeting is re-convened and the outputs of that meeting then be provided to the Board for review at its 31st July Board meeting, setting out whether:-

- The incident has subsequently been resolved.
- The incident has not been resolved and the facts, dispute reason and position statement remains the same.
- The incident has not been resolved but the facts, dispute reason or position statement as previously provided to the Board has changed.

The Board will then re-review the situation on the 31st July with the intention of providing formal guidance at that time.

Autumn and Winter Attribution

The Board was provided with a paper setting out certain issues raised by Industry Parties during the course of the autumn and winter seasons for review and discussion.

The Board discussed the collated issues and concluded the principles as follows:-

TT Delays

Unless by pre-agreed process it is not deemed appropriate for Parties to request for, or Network Rail to attribute, sub threshold delays in TT section when they are not otherwise required.

Failure to Mitigate

The top left diamond criteria in DAPR autumn flowchart that cites 'has all mitigation been completed' should be clarified as relating to mitigation that was committed to for autumn but is not completed or in place.

RHTT / treatment

For trains losing time due to adhesion where the train ran ahead of the RHTT (when running as booked) the previous RHTT treatment should be the deciding factor in the attribution. Therefore only if the previous RHTT circuit didn't run (and actually treats that section) should the delay be coded to OE.

If the RHTT is running late and is behind the train reported as slipping (but should have been in front) then the delay should be coded to OE (and not to the cause for its late running).

If two sets of treatment are planned but one is not carried out then any subsequent delays should be coded to OE unless that treatments is stipulated as an 'as required' then only the committed treatment should be factored into the subsequent OE coding.

30 Minutes Rule

If NR Operational Control deem the report from the cautioned train as valid (whatever and whenever it is) and remove any cautioning then Performance Teams should accept and reflect that fact. The only exception that would need reviewing is when the cautioned train is a RHTT in treatment mode.

Route Proving / Ghost Trains

If no other cause is identified and a train loses time whilst route proving it should be code to the 'weather' delay code necessitating the route proving (generally XT or XW)

If no other cause is identified and a train loses time whilst running as a ghost train it should be code to OS (per principles of RHTT operation)

Subsequent delays or cancellations caused by running unplanned additional ghost trains (TOC or FOC providing crew / stock) and subsequently being late or not available for next working should be attributed in line with new DAPR entry M3.3 for hired and commandeered trains.

Cancellations (including presumed cancellations) with unknown cause

The following principles should apply in the first instance:-

If train could have run (no network restriction) then for TOC / FOC to review and explain

If train could not have run (network restriction) then code to cause for not being able to run

If train is cape as reaction to another train then YI / YJ per DAPR

If train is cancelled from depot (no network restriction) then to TOC / FOC to review and explain

If train is part of an agreed plan to cancel it then P Code (where recorded / pre 22.00)

Trains running without schedules and causing delay

If the delay cause can be clearly ascertained any reactionary delays should be attributed to the identified cause with explanation in that TIN (given the train with no schedule will not appear).

If a delay cause is not explained or the delay is actually due to running the train without a schedule any attribution should be made to OC or OD (as appropriate) for running the train without a schedule

Train Failures due to snow

Trains 'ingesting' snow should be coded to M* / V*

Train horns failing due to being blocked by snow should be coded to M* or V* Trains delayed due to compacted snow in the couplers should be coded to M* or V*

The afore mentioned M* / V* coding is mitigation and severe weather criteria dependent.

Trains failing due to striking snow laying on the infrastructure should be coded to Network Rail.

Trains running at caution for safety reasons due snow or ice risk on the train itself or conducting running brake tests should be coded to FG, TW or TR (as appropriate to decision maker)

Ice / Icicles on the OLE and 3rd Rail

Ice or icicles on OLE and ice on the 3rd Rail should be coded to OG regardless of the weather severity as DAPR currently suggests.

All the above autumn and winter issues will be developed and clarified further for review at the 31st July Board meeting as either DAPR proposals or for inclusion in the DAB Good Practice Guide(s).

CP6 Metrics

At the April Board meeting the DfT observer had provided the Board with an overview of the CP6 Metrics.

This agenda item was for the Board to consider how it can support and influence improved data capture in that area or understand possible unintentional impacts on Performance Measurement recording.

Members had been requested by the Chairman to review the issues and concerns captured and feedback to the Secretary as to their agreement of those listed or any other concerns that need to be highlighted.

The Board agreed with the issues and concerns as presented and agreed that they should be raised to ORR in the first instance for review and consideration. The DfT will also be provided with the opportunity to review the same.

ADA33 DAB Review

At the June 5th Board meeting it was proposed and agreed that, despite Network Rail currently formulating an Appeal, the Board should still review and discuss the implications ADA33.

The Board was provided with a paper for review, consideration and discussion which included extracts from the ADA33 document itself for reference and also setting out a table using the incident scenarios taken from Process Guide PGD1 along with some additional thoughts and comments to enable a structured discussion.

The Board was asked to discuss potential changes to the attribution of those specific scenarios and also give consideration to any risks, issues or consequences should ADA33 need to be implemented into the DAPR.

The Board discussed some of the examples cited but it was clear that individual's views and interpretation on ADA33 and its intention do, as expected, differ. This would make any review and amendment of the DAPR very difficult at this stage without a definitive interpretation (that it is believed the ADA Chair will seemingly not provide unless further cases are raised)

Other points that were raised, and are certainly are in need of consideration, included as to whether ADA33 actually applies to the DAPR given it now clearly stipulates it as being part of the Network Code whereas the DAG did not.

Of concern in relation to performance improvement is that ADA33 could potentially remove current incentives from Industry Parties to proactively mitigate incidents and could, as a consequence, cause more incidents to be attributed or challenged as 'Failure to Mitigate'.

Network Rail are drafting a formal response to ORR in relation to the wider implications of ADA33 from resourcing through to the impact on the Final Determination and hope that the perceived significant impact of ADA33 is better understood by Industry.



Delay Attribution Board
Floor 8
1 Eversholt Street
London
NW1 2DN

NTF Better Operations

Representatives from RDG and RSSB but representing NTF, presented to the Board on the Enabling Better Performance (known as PERFORM) work stream.

The Board were taken through a set of slides providing an overview of the five work streams and where the Board can assist in the 'Getting the best value from data' tranche which is aiming to improve accuracy, reliability and validity of data.

The three elements within this tranche whereby it is felt DAB can assist which where:-

- Defining the data requirements to improve performance and decision making
- Incentivising the right behaviours from the data
- Using the data to manage performance

Going forwards, it was suggested the following could be useful to progress the work streams:-

- Attendance at DAB to agree the scope of PERFORM projects ideas
- Request for DAB to endorse relevant projects and champion the outputs in industry
- Request for DAB members to sponsor, support or steer relevant PERFORM projects
- DAB members could also submit PERFORM project ideas

The official minutes will be available to Industry after sign-off at the 31st July meeting

Mark Southon

Secretary to the Delay Attribution Board