

Originators Reference Code / N°	DAB/P020- Joint Responsibility
Name of the original sponsoring organisation(s)	Delay Attribution Board
Exact details of the change proposed	<p>Amend DAG Section 4.1.2 from:</p> <p>4.1.2 Normally all Minutes Delay (whether direct or reactionary) and/or Reliability Events as a result of an occurrence will be allocated to one TRUST Incident and will be attributable to the Responsible Manager identified. There are two principal exceptions.</p> <p>a) Occurrences arising out of other Access Agreements, such as those due to Station Operating activities or delays or Reliability Events arising on infrastructure not operated by Network Rail. The latter includes depots, yards, private sidings and London Underground or Eurotunnel lines (see sections 4.2, 4.13, 4.15 and 4.27).</p> <p>b) Incidents attributed as ‘Joint Responsibility’ due to being in connection with a station and preventing the passage of a train at the time it is scheduled to stop and the access of passengers to or from that train, examples include:</p> <ul style="list-style-type: none"> ○ Fatalities (4.10) ○ Fires, including false alarms (4.11) ○ Security alerts (4.27) ○ Trespass, including threats of suicide (4.35) ○ Weather affecting station buildings (4.37) <p>Circumstances may arise where Joint Responsibilities criteria are met for only a limited period within the overall duration of the incident.</p> <p>To:</p> <p>“4.1.2 Normally all Minutes Delay (whether direct or reactionary) and/or Reliability Events as a result of an occurrence will be allocated to one TRUST Incident and will be attributable to the Responsible Manager identified. Two principal exceptions are Joint Responsibility incidents (see Sections 4.1.3 to 4.1.16) and incidents arising out of other access agreements (see Section 4.1.17).</p>

Joint Responsibility incidents

- 4.1.3 A special type of incident may affect trains of a Template Schedule 8 Train Operator. These are contractually known as Joint Responsibility incidents and fall into two categories. The first are specifically those incidents at stations which prevent a train entering or passing through a station at the time it is scheduled to do so and the access of passengers through the station to or from the train.
- 4.1.4 The other circumstance is where Network Rail and the Train Operator agree that they are equally responsible for an incident under their access contract and the circumstance is not covered elsewhere in the DAG.
- 4.1.5 When Joint Responsibility criteria are met the Responsible Manager Code attributed to the incident takes the form of D##*, indicating that the incident is jointly accepted and that the delays will be shared between the parties in the performance systems downstream from TRUST.
- 4.1.6 For Joint Responsibility to be applicable for an incident at or affecting a station both of the following criteria need to be met by the train incurring Minutes Delay or cancellation:
- a) The train is prevented from entering the station at the time it is booked to call, and
 - b) Passengers would be prevented from accessing the train if the train called at the station at the time it is booked to call.
- 4.1.7 Only when both criteria have been met can the incident be attributed with a D##* Responsible Manager Code.
- 4.1.8 In all cases the closure of access to the station must be undertaken by a responsible person and be reasonable and justified in the circumstances, which should be detailed in the incident freeform text.
- 4.1.9 In the event of Joint Responsibility being applicable in accordance with the guidance above, an incident should be created for each operator incurring at least one direct Primary Delay in respect of any train booked to call at the station affected during the period of closure. Any subsequent direct delays in respect of trains booked to stop incurred by that operator should be allocated to this incident. However, where trains of one operator so delayed then affect those of another operator elsewhere on the Network the delay to the second operator's train should be allocated to the incident created for the first operator, i.e. normal arrangements apply in respect of the attribution of Reactionary Delay (see paragraph 2.7.2.). Subsequent directly affected trains not booked to call should be attributed to Network Rail.
- 4.1.10 Failures to call at a booked stop (otherwise known as cancelled stops or cancellations) may also be allocated to the Joint

Responsibility incident where the train would not have been able to call (stop) at the time it is scheduled to do so and the access of passengers to/from that train would have been prevented.

4.1.11 Initial attribution in accordance with the guidance above should be reviewed by performance/account teams to ensure that all parties have taken reasonable steps to avoid and/or mitigate the effects of the incident. Any failure to mitigate delay must be attributed to the responsible party in accordance with DAG Section 4.1.7.

4.1.12 Circumstances may arise where Joint Responsibility criteria are met for only a limited period within the overall duration of an incident; for example, initially both the line and the station may be closed, but then one re-opens, while the other remains closed. In these circumstances multiple incidents may be required. For example, a failure to call at a booked stop should not be allocated to a Joint Responsibility incident where the access of the train to the station was not prevented – this would be a cancelled stop the responsibility of the Train Operator. Equally, the failure to call at a booked stop should not be allocated to a Joint Responsibility incident where the access of passengers to/from that train would not have been prevented – this would be a cancelled stop the responsibility of the party causing the incident that led to the cancellation.

4.1.13 Joint Responsibility criteria would not apply in any of the following circumstances:

- Where the source of the incident originates from or affects the station, and does not affect the Network or its operation.
- Where the source of the incident is train borne.
- Where the source of the incident originates from signalling and associated equipment.
- Where the source of the incident is in relation to physical works undertaken by Network Rail at that station.
- Where an Access Party has breached of any of its obligations under their Access Agreement.

4.1.14 The causes of Joint Responsibility incidents in connection with stations are wide-ranging and therefore guidance on the correct Delay Code to use is provided in the section of the DAG relating to the type of incident, examples include:

- Fatalities (4.10)
- Fires, including false alarms (4.11)
- Security alerts (4.27)
- Trespass, including threats of suicide (4.35)
- Weather affecting station buildings (4.37)

4.1.15 In all the circumstances in this Section 4.1, the term station should be taken to include Network Rail Managed Stations.

	<p>4.1.16 Guidance for the correct allocation of delays caused by Joint Responsibility type incidents at a station is given in DAG Section 4.28.11.</p> <p><u>Incidents arising out of other Access Agreements</u></p> <p>4.1.17 Incidents can arise from other access agreements, such as those due to Station Operating activities (station access agreements) or delays or Reliability Events arising on infrastructure not operated by Network Rail. The latter include, but is not limited to depots, yards, private sidings and London Underground or Eurotunnel lines (see sections 4.2, 4.13, 4.15 and 4.27). A separate incident is created for each Train Operator affected. However, where trains of one operator so delayed then affect those of another operator elsewhere on the Network the delay to the second operator's train should be allocated to the incident created for the first operator, i.e. normal arrangements apply in respect of the attribution of Reactionary Delay (see paragraph 2.7.2.). Specific guidance is given in the relevant sections where these kinds of incidents may occur.”</p> <p>And remove the following DAG paragraphs:</p> <ul style="list-style-type: none"> ○ 4.1.3 ○ 4.1.14 ○ 4.10.3 to 4.10.7 ○ 4.11.2 to 4.11.6 ○ 4.27.2 to 4.27.6 ○ 4.28.3 ○ 4.28.7 to 4.28.10 ○ 4.35.2 to 4.35.4 ○ 4.37.3 <p>Re-number subsequent paragraphs accordingly and change all references to 4.1.9 to “4.1.24”.</p>
Reason for the change	This change consolidates guidance for the attribution of Joint Responsibility incidents in the DAG. Currently guidance on this subject is distributed throughout the DAG. The information presented in DAG 4.1.3 has also been incorporated into this change.

1. Do you perceive that this proposal will have a wider impact (including commercial impact) on your business or the business of any other industry parties?

If yes;

For Network Rail – Please provide an impact assessment indicating the impact of the proposal on all affected industry parties.

For Train Operator – Please provide an impact assessment on your own business.

No. This change is not intended to have any effect on the attribution outcome where this guidance is applied.

2. If you have provided an impact assessment as per question 1 above, please provide a proposed solution to neutralise any financial effect of the proposal.

.N/A.