

Originators Reference Code / N°	DAB/P009  RETB – Token Equipment Failure (NFF)
Name of the original sponsoring organisation(s)	Delay Attribution Board
Exact details of the change proposed	Append the following sentence to Section 4.16.10:  “Where No Fault is Found see Section 4.25.”  And:  Add “RETB” to the right-hand list of systems in the table 4.25.4 indicating that RETB NFF is the responsibility of train operators.  And:  Append the following sentence to Section 4.25.3.2 “This principle of two or more separate trains should also be applied in the same way to two separate train-based radios.”
Reason for the change	Following the issue of DAB Guidance Note DAB-30, the DAB Secretary was asked to propose an amendment to the DAG to reflect the principle that, with regards to NFF, RETB is not solely infrastructure-based equipment and that the principles of Section 4.25.3.2 should be applied to two separate train-based RETB radio in the same way as applied to two or more separate trains.  No reference is given in section 4.25 to NFF for RETB equipment.

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 proposed change to the DAG incorporates guidance already provided.

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

**Industry Responses**

<b>RAILWAY COMPANY/ORGANISATION</b>	<b>COMMENTS:</b>
ARRIVA TRAINS WALES	As per DAMG response
ATOC – DELAY ATTRIBUTION MANAGERS GROUP	<p>The DAMG do not support the proposal.</p> <p>Where radio frequency interference (RFI) could be a factor, there may only be one occurrence, tests are done on the equipment but no tests are done on the strength of signal being transmitted to the location. On the balance of probabilities, the likelihood of a unit being at fault at only one location, but having no further issues, either immediately before or after the occurrence, is negligible. This is much more likely to be RFI.</p> <p>Each incident should be investigated on an individual basis and fully. The inference of this amendment to the DAG is that the unit has failed to connect to the signal, if other receivers have no issues, however, if a unit has no signal to receive due to RFI, how can the unit be held responsible</p> <p>For the receiving unit be held responsible, it would need to be proven that RFI did not divert or stop the signal being sent. If the same reasoning is used, but the other way around – if the unit receives subsequent signals, the receiving unit is not faulty. It could be said that the sending signal was not strong enough to get through to the receiving unit due to radio frequency interference. Although the signal being sent will not have changed, other influences can and will block a signal reaching the wanted destination. On the balance of probabilities, the reason for a unit being unable to receive a signal at one location but be able to receive at subsequent locations without having any technical or mechanical intervention, would be due to the signal being sent not being strong enough to overcome RFI.</p> <p>All investigations should be completed and shared on an individual basis.</p>
C2C Rail	
CHILTERN RAIL	
CROSS COUNTRY TRAINS	As per DAMG response
DB SCHENKER RAIL/EWS Int/RAIL EXPRESS SYTEMS.	No objection to the proposal
EAST MIDLANDS TRAINS	As per DAMG response
EASTCOAST LTD	
EUROSTAR	

FIRST CAPITAL CONNECT	As per DAMG response
FIRST GREAT WESTERN	As per DAMG response
FIRST SCOTRAIL	As per DAMG response
FIRST/KEOLIS TRANSPENNINE LTD	
FREIGHTLINER/FREIGHTLINER HEAVY HAUL	
GB RAILFREIGHT	
GRAND CENTRAL RAILWAY	
HEATHROW EXPRESS	
HULL TRAINS	
LONDON & BIRMINGHAM RAILWAY	
LONDON & SOUTHEASTERN RAILWAY	
LONDON OVERGROUND RAIL	
MERSEY RAIL	
GREATER ANGLIA	
NETWORK RAIL INFRASTRUCTURE	Having reviewed the change proposal in the context of DAB – 30 the proposed amendment to the DAG seems to be appropriate and correct.
NORTHERN RAIL	As per DAMG response
SOUTHERN RAILWAY	
STAGECOACH SOUTH WESTERN TRAINS	As per DAMG response
WEST COAST TRAINS LTD (VIRGIN)	<p>Virgin Trains do not accept the proposed change. We believe that where a unit experiences a fault at only one location this would not be a unit fault as such, but a high probability that the unit was influenced by external factors such as radio frequency interference. Radio Frequency Interference occurs in many locations through either natural or man made causes, and cannot be mitigated by the TOC.</p> <p>All investigations should be completed and shared on an individual basis.</p>
DAB DECISION (30/10/12)	<p>The Board considered the proposal and the industry responses received during the consultation period. The Board noted the response written by the ATOC Delay Attribution Managers Group had been supported by several Train Operators and that it constituted a rejection of the proposal by those operators. The Board considered the DAMG text and concluded the following:</p> <ul style="list-style-type: none"> <li>○ References were made to ‘a lack of testing of transmitted signal strengths’ and the effects of radio frequency interference (RFI) and that this would affect the balance of probability regarding</li> </ul>

a unit being at fault. The Board considered that this was a case where parties would have to demonstrate and agree that reasonable efforts had been made to investigate the cause of delay. If there was no agreement this would not constitute NFF as in accordance with DAG Section 4.25.

- Reference was made to a signal not being received due to radio frequency interference (RFI). The Board considered that this was an example where investigation was not complete – again this would seem to be a situation where there would not be an agreement between parties that reasonable efforts to investigate had been completed. This would not constitute NFF as in accordance with DAG Section 4.25.
- Reference was made that each incident should be investigated fully on an individual basis – the Board supported this point.

The Board noted that West Coast Trains LTD (VIRGIN) had rejected the proposal explaining that Train Operators cannot mitigate RFI – the Board did not dispute this but considered the argument to be similar to that presented by the DAMG. If RFI were identified by the parties as a relevant consideration, then the effect of RFI would need to be proven or otherwise for each case.

In summary the Board considered that DAG Section 4.25 should not be considered by parties as a substitute for lack of investigation. Parties would need to agree that all reasonable efforts have been made to investigate the cause of an incident – as in accordance with the first paragraph of DAG Section 4.25.

The Chairman put the proposal to vote and the Board failed to achieve the required majority with 6 votes in favour, 2 against and 2 abstentions. The Board discussed the issues further including further examination of the industry responses. Subsequently the proposal was approved by majority vote - **8** in favour (3 operators and 5 Network Rail) and **2** against (2 operators).

The Board also agreed that the reference in paragraph 4.25 for NFF to be applicable only in circumstances where a full investigation had been carried out and no fault had been found needed to be strengthened. NFF was not a substitute or an alternative for a proper investigation.

DAB APPROVED CHANGE	The DAB approved the proposal without change and this is reflected in the updated 'tracked-change' version of the DAG given in appendix B.
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