

**Oliver Stewart**  
**RAIB Recommendation Handling Manager**



28 March 2024

Mr Andy Lewis  
Deputy Chief Inspector of Rail Accidents

Dear Andy,

**RAIB Report: Near miss with a group of track workers at Egmonton level crossing, Nottinghamshire on 5 October 2017**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 3 addressed to ORR in the above report, published on 9 August 2018.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 3 is **'Closed'**.

We do not propose to take any further action in respect of the recommendation, unless we become aware that any of the information provided has become inaccurate, in which case I will write to you again.

We will publish this response on the ORR website.

Yours sincerely,

Oliver Stewart

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<sup>1</sup> In accordance with Regulation 12(2)(b) of the Railways (Accident Investigation and Reporting) Regulations 2005

### Recommendation 3

*The intent of this recommendation is to clarify the working instructions for track workers on the correct use the Train Operated Warning System (TOWS) when working with noisy tools and/or when at the end of a TOWS area, so that there is safe and consistent practice across the network (paragraph 118).*

Network Rail should:

- a) supplement its working instructions for TOWS to include clear instructions for the protection arrangements that must be in place when working with noisy tools and/or when working at the ends of a track section fitted with TOWS;
- b) brief out the enhanced instructions to its staff and contractors and include them in training material for all relevant track competencies; and
- c) include checks in the certification and re-certification assessments of staff in safety leadership roles that they are familiar with how to use TOWS in all situations they are likely to encounter.

### ORR decision

1. It was unclear how the closure statement and supporting documents submitted by Network Rail in May 2023 addressed the recommendation, as it seemed to allow noisy work in a TOWS/TAWS area. On that basis we kept the recommendation open until the updated TAWS/TOWS guidance had been issued.
2. The revised guidance has now been issued and clarifies that there will be no noisy work, nor touch lookouts, in a TAWS/TOWS area. This briefing material supersedes the 2021 COSS Key points instructions referred to in the closure statement. The briefing material also makes it clear that in double-track areas TOWS/TAWS applies to both lines, and that it always gives at least 10 seconds warning of trains when working in the protected area. This addresses the point RAIB identified in the report about work at the extremities of the protected area.
3. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
  - taken the recommendation into consideration; and
  - taken action to close it.

**Status: Closed.**

### Previously reported to RAIB

4. On 8 August 2019 ORR reported the following:

We are content that Network Rail has a suitable plan in place to improve the work instructions and training material it provides for staff when using TOWS.

## Update

5. On 16 May 2023 Network Rail provided the following closure statement:



[N213-10] Egmonton  
Rec 3.doc

6. On 23 February 2024 Network Rail provided the following additional information:



TAWS TOWS and  
SSOW clarification F

## Previously reported to RAIB

### Recommendation 3

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- c) include checks in the certification and re-certification assessments of staff in safety leadership roles that they are familiar with how to use TOWS in all situations they are likely to encounter.

### ORR decision

1. We are content that Network Rail has a suitable plan in place to improve the work instructions and training material it provides for staff when using TOWS.
2. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
  - taken the recommendation into consideration; and
  - is taking action to implement it by 30 January 2020.

**Status: Implementation ongoing. ORR will advise RAIB when actions to address this recommendation have been completed.**

### Information in support of ORR decision

3. On 11 January 2019, Network Rail provided the following initial response:
 

*Network Rail standards require any person working on or near the line would have a Safe System of Work (SSOW) in Place compliant with NR/L2/OHS/019 Safety of People at Work on or Near the Line, which has a requirement for the SSOW to be tested prior the commencement of any work taking place. To support the SSOW and where additional Safety Measures are required warning systems such as TOWS can be deployed/activated, following an internal review it has been identified by Network Rail that a full NR/SP/OHS/501 the Track Warning System Standard review as per the standards process should take place to.*

*Action 1 by June 2019 - formulate a working instruction to support current TOWS training and use. Use the information within the work instruction to be incorporated into the Full Review and Rewrite of the 501 standard*

*Action 2 by June 2020 - Complete the review and rewrite of the 501 Standard and implement its findings into the training materials.*

*Timescale: 30 January 2020*