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25 November 2014

Ms Carolyn Griffiths
Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Carolyn,

Collision of a road-rail vehicle with a buffer stop at Bradford Interchange station, 25 March 2012

I write to provide an update¹ on the action being taken in respect of recommendation 5, published on 24 July 2013.

On 11 November 2014 Network Rail provided ORR with an update, which can be found in the annex to this letter. *RSSB and Network Rail have identified that both the Network Rail rail-borne plant product acceptance and vehicle acceptance body (VAB) scrutiny processes need to be aligned with existing statutory legislation, principally the European Machinery Directive (as enacted in this country by the Supply of Machinery (Safety) Regulations 2008).* In consequence Network Rail has extended its timescale to address this recommendation from 31 October 2014 until 1 September 2015.

The status of recommendation 5 is now: *Implementation on-going.*

We will publish this response on the ORR website on 19 December 2014.

Yours sincerely,

Chris O'Doherty

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

Recommendation 5

The intention of this recommendation is that the vehicle acceptance process applicable to modifications to RRVs should be more widely understood.

Network Rail should:

- a. brief all suppliers of RRVs on the scope of the engineering acceptance process, and the importance of submitting accurate, vehicle-specific information to VABs when seeking acceptance of modifications to RRVs; and
- b. clarify with all suppliers of RRVs, and vehicle acceptance bodies, the extent to which reliance on 'first-of-class' approval is appropriate when modifications are made to a number of different vehicles that fulfil the same functional requirement but are significantly different in their design.

Update

1. On 11 November 2014, Network Rail provided an update justifying an extension to the timescale:

In collaboration with the RSSB, Network Rail has reviewed the intent of this recommendation and other on-track plant related incidences. The outcome identified a need to update both the Network Rail rail-borne plant product acceptance and vehicle acceptance body (VAB) scrutiny processes to align them with existing statutory legislation, principally the European Machinery Directive (as enacted in this country by the Supply of Machinery (Safety) Regulations 2008).

In August 2014 a project was commissioned by the RSSB Plant Standards Committee to develop and implement a new product acceptance process.

The proposed changes will inadvertently see Railway Industry Standard (RIS1530_Plant) be updated by the removal of the reference to existing product acceptance process / requirements. The proposed 3 tier process will form a new Railway Industry Standard.

RSSB and Network Rail will work together towards implementing the new process by 31 August 2015.

ORR Decision

2. After reviewing information received 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. (Revised completion date: 1 September 2015)

Status: Implementation on-going. *ORR will advise RAIB when the actions to address this recommendation have been completed.*

Previously Reported

Recommendation 5

The intention of this recommendation is that the vehicle acceptance process applicable to modifications to RRVs should be more widely understood.

Network Rail should:

- a. brief all suppliers of RRVs on the scope of the engineering acceptance process, and the importance of submitting accurate, vehicle-specific information to VABs when seeking acceptance of modifications to RRVs; and
- b. clarify with all suppliers of RRVs, and vehicle acceptance bodies, the extent to which reliance on 'first-of-class' approval is appropriate when modifications are made to a number of different vehicles that fulfil the same functional requirement but are significantly different in their design.

Details of steps taken or being taken to implement the recommendation

1. Network Rail, in its initial response on 7 November 2013, advised that:

Network Rail has agreed with the RSSB to work in partnership to address Recommendation 5.

Actions will include:

1. *Review of RIS 1530PLT issue 4;*
2. *Review of VAB [Vehicle Acceptance Body] requirements;*
3. *Assist in cascading the appropriate briefing information.*

Briefing to include:

- *the scope of the engineering acceptance process and the importance of submitting accurate, vehicle-specific information;*
- *clarification on the extent to which reliance on 'first-of-class' approval is appropriate when modifications are made to a number of different vehicles.*

Timescale: 31 October 2014

ORR Decision

2. After reviewing information received from Network Rail, 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.

We will update RAIB on the results of the Network Rail/RSSB reviews and the content of the briefings when we receive this information from Network Rail.

Status: In-progress

3. *ORR will update RAIB by 30 January 2015 on the action being taken to address this recommendation.*