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16 December 2014

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

Dear Carolyn,

RAIB Report: Derailment at Castle Donington, Leicestershire

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 16 January 2014.

The annex to this letter provides details of the consideration given/action taken in respect of each recommendation where recommendation 1 is 'in progress' and recommendations 2 is classed as 'Implementation on-going'.

We expect to update you on recommendation 1 by 31 March 2015 and we will confirm all actions associated with recommendation 2 have been completed by 31 January 2015.

We will publish this response on the ORR website on 5 January 2015.

Yours Sincerely,

Chris O'Doherty

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

Initial consideration by ORR

1. Both recommendations were addressed to ORR when the report was published on 16 January 2014.
2. After considering the recommendations, ORR passed recommendation 1 to Network Rail and recommendation 2 to RSSB and asked them to consider and, where appropriate, act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.

Recommendation 1

The intent of this recommendation is to reduce the risk of derailment if a stoneblower is unable to complete its planned work in the time available.

Network Rail should review, and if necessary improve, the planning of stone blowing so that:

- there is sufficient time allocated within the duration of a possession to complete the work planned to be carried out; and
- if the duration of the possession is reduced after the work has first been planned, the implications for the completion of the work are examined, and the work re-planned so that the highest priority locations may be completed in the reduced time available.

Steps taken or being taken to address the recommendation

3. In its response of 16 April 2014 Network Rail provided the following information:

Network Rail held a review led by the Maintenance Compliance and Assurance Advisors for their respective Routes during August 2013. The review sought to confirm that the Routes were adhering to the process within the standard NR/L3/MTC/0210 and that the risk of undertaking a specific task in the time available had been taken into account during the risk assessment.

This review identified a number of issues with compliance and as a result action has been taken to re-establish the necessary actions both at and subsequent to the planning stage.

Following the initial review and action taken to correct deficiencies identified, the process has been subject to periodic assurance which is on-going.

ORR decision

4. Network Rail has not provided sufficient evidence to demonstrate it has addressed and implemented the recommendation. It is not clear that the standard referred to in the response is relevant to the recommendation. We also need more information on the assurance activity. We have requested further information from Network Rail.

Status: In progress. We expect to update RAIB by 31 March 2015.

Recommendation 2

The intent of the recommendation is to reduce the risk of trains colliding with a derailed vehicle.

RSSB, in conjunction with the rail industry, should undertake a review of the Rule Book requirements relating to the action to be taken following an abnormal brake application on a freight train and make any changes found to be necessary to reduce the risk of collision with a derailed vehicle. Such a review should consider under what circumstances and how quickly the signaller should be contacted and the actions to be taken, such as cautioning the first train to pass on the adjacent line.

Steps taken or being taken to address the recommendation

4. In its original response of 12 March 2014 RSSB provided the following information:

RSSB is undertaking the recommended review, in conjunction with industry. A cross industry meeting was held on 5 March 2014 to explore the issues raised. RSSB is currently exploring the associated risk issues by analysing the data within the Safety Risk Model. It is intended that the results be presented at the May 2014 meeting of the Traffic Operation and Management Standards Committee, which will then decide on the appropriate course of action. We will update you on the proposed actions and timescales following the meeting.

5. At its meeting on 9 September 2014, TOM SC agreed to the principle of enhancing the content of Module TW1 of the Rule Book in line with this recommendation. These changes have been drafted and are due to be presented to the December meeting of TOM SC

ORR decision

6. RSSB has undertaken a review of the Rule Book requirements as requested by the recommendation. The approval for change will be presented at TOMSC in December 2014; we agree that this timescale is reasonable and appropriate.

Status: Implementation on-going. We will confirm that the change has been approved by 31 January 2015.