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10 February 2020



Mr Andrew Hall  
Deputy Chief Inspector of Rail Accidents  
Cullen House  
Berkshire Copse Rd  
Aldershot  
Hampshire GU11 2HP

Dear Andrew,

**RAIB Report: Collision between a train and utility vehicle at Dollands Moor freight yard, Kent on 4 September 2018**

I write to report<sup>1</sup> on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 25 June 2019.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendations 1 & 2 is 'Implemented'.

We do not propose to take any further action in respect of the recommendations, 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 on 11 February 2020.

Yours sincerely,

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

A handwritten signature in black ink, appearing to read 'Oliver Stewart', with a stylized, cursive script.

Oliver Stewart

## Initial consideration by ORR

1. Both recommendations were addressed to ORR when the report was published on 25 June 2019.
2. After considering the recommendations ORR passed both recommendations to DB Cargo asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.
3. ORR also brought recommendation 1 to the attention of all the other FOCs, TOCs, LUL, HS1, the Heritage Railway Association and charter operators as it was concluded that there are equally important lessons for them around safe operation of yards. ORR did not ask these organisations to provide a reply.
4. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

## Recommendation 1

*The intent of this recommendation is to address gaps identified in the local safety management system.*

DB Cargo should improve safety management arrangements at Dollands Moor yard including, as a minimum:

- ensuring that movement of people and vehicles to and from trains are covered by appropriately documented safe systems of work supported by appropriate risk assessments (paragraph 110);
- ensuring that vehicles used on and/or near the operational railway are conspicuous to train drivers (eg by fitting orange flashing beacons, attaching reflective material and/or selection of appropriately coloured vehicles) (paragraph 109);
- consider reinstating one or both subways, and making provision for their future maintenance, if required for vehicular use (paragraph 109); and
- establishing adequate arrangements for devising, documenting, checking and supervising safe systems of work

## ORR decision

5. DB Cargo have withdrawn the use of buggies at Dollands Moor, effectively eliminating the risks associated with their use in a freight yard. DB Cargo staff now move around the yard on foot and, in line with the recommendation, safety documentation has been reviewed and rebriefing carried out accordingly.
6. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, DB Cargo has:
  - taken the recommendation into consideration; and

- has taken action to implement it

**Status: Implemented.**

### Information in support of ORR decision

7. On 17 October 2019 DB Cargo provided the following initial response:

#### Appropriate Risk Assessment and System of Work

*DB Cargo's Safety and Operations teams have reviewed the system for the movement of people and vehicles to and from trains at Dollands Moor.*

*DB Cargo has considered carefully RAIB's recommendations and, despite there being no requirement to do so, has withdrawn buggies from use at Dollands Moor. No other DB Cargo site uses or continues to use buggies.*

*The system of work has therefore changed from Operations Supervisors (shunters) traversing crossings using buggies to traversing crossings by foot. The risk assessment and system of work document has been reviewed and amended to reflect this revision which addresses the relevant risks and controls.*

*DB Cargo has also taken this opportunity to start a national project relating to recordable digital radios and a review of the available signal box instructions. The radios have now been introduced in the Yorkshire and Humber areas and will continue to be rolled out across the UK. An updated version of the Dollands Moor special signal box instruction has been included within the safe system of work document and briefed to all employees.*

#### Vehicular Specification and Subways

*Given the decision to migrate from a vehicular system of work, it has not been necessary to adjust the specification of the buggies or carry out the engineering necessary to reintroduce the use of the subways.*

#### Documentation, Communication and Supervision of a Safe System of Work

*Safety documentation (including the new risk assessment and system of work) was developed and is accessible to all operational staff. DB Cargo intends to store this documentation (as with all safety documents) on its central network.*

*Following the incident, all Dollands Moor operatives were provided with refresher training on the new documentation. This was done to ensure that the reviewed system of work (including with reference to the authorised walking routes and Positions of Safety) was fully briefed and understood. All operatives at Dollands Moor continue to possess PTS training, as a minimum.*

*Entry and train movements at Dollands Moor remain carefully controlled by radio communication and signal entry. Only one train (on one specific track 'road') can enter Dollands Moor at any one time. An operative is given advance notice of this by way of radio communication. Positions of Safety parallel to each road have been maintained. Authorised pedestrian routes are marked on the system of work document.*

#### Outcome 1:

*It was RAIB's stated intention behind recommendation (1) that "DB Cargo address [any] gaps in the local safety management system."*

*It is considered that this method of work at Dollands Moor provides for a system where competent PTS trained operatives use (on foot) specifically authorised pedestrian routes to carry out routine transport across DB Cargo's private sidings. Robust safety documentation reflects this process. Safety Assurance Managers, following the re-briefing, were reminded of the need for vigilant supervision at site. The site and this safe working practices continue to be subject to ongoing management review.*

*DB Cargo is therefore of the view that it has complied with both the letter and spirit of RAIB's recommendation and its desired safety outcome.*

## **Recommendation 2**

*The intent of this recommendation is to ensure the identification and correction of any shortcomings in safety related documentation, safety audits and safety inspections. Implementation could include utilising appropriate competent staff from one location to check work undertaken at another location.*

DB Cargo should review and, if necessary improve, corporate oversight and verification of safety arrangements and safety supervision at DB Cargo locations across the UK.

## **ORR decision**

8. DB Cargo have carried out a review of their existing corporate oversight, verification of safety arrangements and safety supervision arrangements and are have concluded they are suitably robust. ORR's own investigation into the incident at Dollands Moor is continuing.

9. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, DB Cargo has:

- taken the recommendation into consideration; and
- has taken action to implement it

**Status: Implemented.**

## **Information in support of ORR decision**

10. On 17 October 2019 DB Cargo provided the following initial response:

*DB Cargo's Safety Department is led by David Ethell who possesses extensive health and safety experience including the NEBOSH National General Certificate. Marc Binney (NEBOSH) is Head of Operations and Infrastructure Standards and has twenty-four years Railway experience, seventeen years in Engineering and Production Management and seven years in Safety. Richard Lait, Head of Safety,*

*Security and Environment is the company's Professional Head of Safety and a Chartered Safety & Health Practitioner (CMIOSH). The Safety Department liaise regularly with field-based teams including Responsible Site Managers (RSMs) and Safety Assurance Managers (SAMs). This includes a weekly call with RSMs to offer advice, guidance and ongoing support in relation to health and safety matters. DB Cargo has 8 operational RSMs and 22 SAMs. All SAMs have IOSH managing safely as a minimum (and work towards NEBOSH). All SAMs report into operational RSMs.*

*DB Cargo is committed to continuous improvement of its safety management across all leadership within the business. DB Cargo recognises the benefits in working collaboratively with industry colleagues on health and safety topics, and the Safety Department is committed to offering representation at many of the industry working groups. The Safety Department has implemented several key initiatives including: specific safety engagement during 'Safety Stand Down Days' where all operational managers attended two consecutive meetings to discuss the importance of safety in November 2018; the company's recent Production and Sales Workshop in February 2019; DB Cargo's active support of Rail Safety Week in June 2019; the DB Cargo leadership day in July 2019; and frequent communications and safety campaigns promoting awareness of safety. DB Cargo has now launched its new safety campaign entitled 'Safety is'.*

*DB Cargo encourages its employees (and others) to report incidents and has increasingly effective health and safety procedures in place to review and learn from those incidents and trends. In order to ensure it has a full understanding of safety at its sites, Trade Union Safety Representatives engage in regular meetings with managers to ensure that employees provide valuable frontline input. This facilitates an awareness of any issues and it allows the company to monitor and improve its safety arrangements.*

*DB Cargo continues to enhance its review and monitoring of the adequacy of risk assessments, safe systems of work, training and supervision. DB Cargo is also planning the future implementation of a process whereby the Safety Department and RSMs carry out reviews of other DB Cargo sites to monitor adherence to company standards and safe working practices.*

*Outcome 2:*

*It is considered by DB Cargo that all of the above demonstrates that the company takes a pro-active approach to enhancing its practices and safety related documentation in an efficient and effective manner. It is considered by DB Cargo that this is both a long term and ongoing safety goal set by RAIB. The company is committed to both its short and long term delivery.*