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

Dear Andrew,

RAIB Report: Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London

I write to provide an update¹ on the action taken in respect of recommendation 3 addressed to ORR in the above report, published on 13 February 2014.

I wrote to you on 5 October 2015 to report that recommendations 1, 2 and 4 had been implemented

The annex to this letter provides details of the action taken regarding recommendation 3, the status of which is now '**Implemented**'. We do not propose to take any further action in respect of this recommendation, unless we become aware that any of the information provided becomes inaccurate, in which case I will write to you again.

We will publish this response on the ORR website on 23 November 2015.

Yours sincerely,

Oliver Stewart

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

1. All 5 recommendations were addressed to ORR when the report was published on 13 February 2013.

Previously reported to RAIB

2. On 12 February 2015 ORR informed RAIB that after considering the report / recommendations we passed recommendations 3 to the following, asking them to consider and where appropriate act upon them and advise ORR of its conclusions.

- Glasgow SPT Subway
- HS1 Ltd
- London Overground Rail Operation Ltd
- London Underground Ltd
- Network Rail
- Merseyrail
- DB Regio Tyne and Wear
- Docklands Light Railway

3. DB Regio Tyne and Wear and London Overground Operations Ltd had both confirmed that due to the nature of their operations the recommendation did not apply to them.

4. Merseyrail confirmed that Network Rail had liaised with both Liverpool City Council and Wirral Borough Council, who have both agreed to work with Network Rail regarding this issue.

5. ORR wrote to RAIB on 5 October to confirming that Glasgow SPT, HS1 Ltd, London Underground Ltd and Network Rail had implemented the recommendation. The status for DLR Ltd was 'Implementation on going', subject to the publication of their revised Third Party Developments document (BCP-06).

Recommendation 3

The intent of this recommendation is to encourage Railway Infrastructure Managers to undertake pro-active measures to identify works which could affect the railway.

Railway Infrastructure Managers should review, and where appropriate, revise existing arrangements for identifying infrastructure development which could affect tunnels and associated subterranean structures in urban areas. Where not already done, this should include pro-actively searching for planning applications and undertaking visual inspections of the ground surface above tunnels.

Docklands Light Railway (DLR)

6. DLR Ltd wrote to ORR on 2 October 2015 with a draft copy of BCP-06 Third Party Developments and provided the following additional information:

We have not yet formally issued the document, as we are still resolving one or two wording issues with our stakeholders. Nevertheless, it is substantively complete and we are, and have been, working to the principles of the document. This includes:

- *Allocation of the Third Party Interface Manager role;*
- *Issuing of Letters of Responsibility and Asset Protection Agreements to the third party;*
- *Assessing, reviewing and monitoring the activities of third parties across the DLR, including review of method statements and use of safety observers;*
- *Holding the fortnightly meeting of all stakeholders to review and co-ordinate the management of third party activities;*
- *Carrying out the infrastructure protection patrols.*

7. DLR Ltd wrote to ORR again on 11 November 2015 to confirm the document had been finalised, signed off and issued to stakeholders.

ORR decision

8. ORR reviewed the Third Party Developments document and we are satisfied it fulfils meets the intent of the RAIB recommendation.

9. ORR, in reviewing all the information received from DLR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, DLR has:

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

Status: Implemented