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4 December 2013

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

Dear Carolyn

RAIB report: Tamper driver struck by a train at Torworth Level Crossing.

I write to update you on progress with recommendation 1 of the above report which was addressed to ORR when the report was published on 15 February 2012.

The annex to this letter gives the detail of the actions taken and consideration given where recommendation 1 is now implemented.

We do not intend to take any further action in respect of this recommendation unless we become aware of an inaccuracy in which case we will write to RAIB again.

Yours Sincerely

Chris O'Doherty



Recommendation 1

The purpose of Recommendation 1 is to bring about a sustainable change to how engineering train drivers, ground staff and on-track machine crews access work sites by implementing measures to support industry processes for providing them with a safety briefing.

Network Rail and its contractors who operate trains in engineering possessions, should jointly review the means by which engineering train drivers and on-track machine crews (and associated ground staff) can best be provided with sufficient information relating to both railway and construction risk before walking to, or entering, a work site. This review should address:

- the validation, and incorporation in a suitable safety standard, of arrangements agreed between Network Rail and its haulage suppliers and contractors operating on-track machines, relating to the provision of a safety briefing before entering a work site;
- the preparation of explanatory briefing material and additional training on the procedures to be followed to obtain safety briefings;
- explicit consideration of the risks associated with access to site, including safety briefing issues, at an appropriate stage in the planning process for engineering activities; and
- the need for clarification or amendment of the relevant rules and procedures relating to walking to trains and on-track machines when these are in possessions and work sites.

The outcome of this review, and any appropriate additional measures identified, should then be implemented by Network Rail and a procedure put in place to monitor their effectiveness.

Previously reported to RAIB on 15 February 2013

1. We previously reported that Network Rail had met the intent of the first part of the recommendation and specifically the four key points, by reviewing existing processes. The working group that carried out this review consisted of representatives of FOCs, On Track Machine/On Track Plant Operators Principal Contractors and the Office of Rail Regulation. Initial outcomes of the review had been implemented and further work on a strategy for assurance and monitoring activities would take place in 2013.

Update

2. The information below was received from Network Rail on 26 July 2013:

Points detailed in the previously supplied action plan

Review of NR/L2/OHS/019 (019); we still have the Standards freeze at present and so there haven't been any changes made to this standard. The need for 019 may actually be negated in the future as a result of Network Rail's Life Saving Rules,

Business Critical Rules (being developed) and new Control of Work / Permit to Work process.

Access/Egress chart; as previously stated, Network Rail has received confirmation from our FOC and OTM partners that the process chart had been briefed to their staff.

Brief to clients/customers; as above, the process chart and requirements relating to the provision of accurate information was given to Network Rail 'clients' / planners and Principal Contractors.

General

SSOW Packs; SSOWPs 2 has been launched since Network Rail's last update. Additionally, Network Rail is presently working on Sectional Appendix+.

Control of Work / Permit to Work; Network Rail is developing a new process and trials are underway. A meeting with Network Rail planners, a Project Manager from Corven, Delivery Unit representatives and VGC's (our supplier) Health and Safety Director took place in Romford on Monday 22 July 2013 to discuss trialling the new process for activities relating to the Rail Delivery Train. The activities relating to rail delivery will include; walkout to survey and mark-up the track bed prior to the rail delivery, train movements, and the crew's activities (including accessing and egressing the worksite). The discussions were very productive and it's hoped that we will be able to trial the new process, in parallel to following the existing process, in forthcoming weeks.

Monitoring of issues relating to access/egress and safety briefs; in addition to soliciting feedback at regular RFOG and M&EE (OTM) meetings, both freight and OTM communities have been asked to survey their crews for a minimum of 5% of activities by completing and returning a form for each period. Although looking for issues as/when we receive the paperwork, we intend to solicit feedback from stakeholders toward the end of September as Network Rail wish to avoid the monitoring being perceived to be just another piece of paper they have to fill in, rather than a value adding exercise.

3. These arrangements will be superseded by a new regime no longer based on the standard NR/L2/OHS/019 and associated procedures.

4. Train crew briefings before entering possessions will in future be dealt with through the new Business Critical Rules/Lifesaving rules regime and procedurally through the new Control of Work/Permit to Work process currently being developed and trialled. The recently formed Engineering Worksites sub group is also now critically reviewing the planning and management of possessions including safe access/egress and briefing of all staff with the express purpose of devising a new more robust process for all

ORR decision

5. ORR in reviewing the information received from Network Rail, has concluded that, in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and

- taken action to implement it.

Status: Implemented