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22 January 2014

Ms Carolyn Griffiths  
Chief Inspector of Accidents  
Rail Accident Investigation Branch  
Block A, 2nd Floor  
Dukes Court  
Dukes Street  
Woking GU21 5BH

Dear Carolyn

**RAIB report: Passenger struck by object at Washwood Heath**

I write to update you on the consideration given and action taken in respect of recommendation 4 addressed to ORR in the above report, published on 24 January 2011.

The annex to this letter provides details of the consideration given/action taken in respect of the recommendation which 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 I will write to you again.

Yours Sincerely

Chris O'Doherty

## **Proposed Response to RAIB**

### **Initial Consideration by ORR**

1. All four recommendations in the report were addressed to ORR when RAIB published its report on 6 March 2011. After considering the report and recommendations, we directed all four recommendations to Network Rail asking them to consider and, where appropriate, act upon them and advise ORR of their conclusions.
2. On 24 September 2012, we reported that recommendations 1, 2 and 3 had been implemented and recommendation 4 was in progress. The detail of further consideration given and the action taken in respect of recommendation 4 is included below.

### **Recommendation 4**

Network Rail should review the adequacy of its arrangements for the routine checking of compliance with the rule book within possessions, including checks on compliance with the rule book module OTP in respect of adjacent lines open to traffic. The review should consider the frequency of such checks and the competency of those involved. Any improvements identified as part of this review should be implemented.

*The purpose of this recommendation is to ensure the adequacy of checks with the requirements of the rule book within possessions (including protection of adjacent open lines).*

### **Previously reported on 24 September 2012**

3. We previously reported that a cross functional review meeting was held on 16 May 2011.
4. The monitoring arrangements by the various parties, and those already in place with the Rail Plant Support Engineers, were to be reviewed to see if they were appropriate and if they should follow a risk based approach. i.e. where high risks exist with certain tasks / activities, should they be focussed on accordingly until a level of control is achieved. (Tandem lifting, ALO etc).

### **Update December 2013**

5. Between the period April 2011 and December 2013, ORR has been monitoring Network Rail's actions and can confirm that there has been significant progress specific to this recommendation. Having had several discussions and email exchanges with Network Rail we can confirm the new plant handbook 'NR/Plant/0200 Infrastructure Plant Manual' was published on 2 March 2013 with a compliance date of 1 Jun 2013.

6. The manual details requirements and guidance when using plant on NR infrastructure. The intention of the manual is to secure compliance with legislation and Network Rail's safety management system. It brings together all the requirements for the safe operation of plant including rule book requirements, standards and guidance,

7. The handbook contains a specific module for the monitoring of plant activities. This is undertaken at various levels by defined roles including Machine Operations Manager, Rail Plant Support Engineer, HSEA representative and Independent persons. Since the manual was published, a further role has been identified and recruitment is underway in each maintenance delivery unit for an On Track Plant Specialist. Initially their role will be limited to plant operations within the maintenance organisation with potential to extend responsibility to the activities of contractors.

8. With regard specifically to working with plant where the adjacent line is open to rail traffic there has been significant progress. Adjacent line open working was an activity that ORR focused on in inspection year 2012/13 as a result of this incident and other incidents / near misses. At a relatively early stage in the project, ORR inspectors identified that the risk of fouling an adjacent open line was not being properly controlled as Network Rail was failing to monitor compliance with its guidance issued for planning and implementing adjacent line open working. This culminated in ORR serving a national improvement notice in January 2013 requiring Network Rail to implement arrangements for effective planning, organisation, control and monitoring of activities which require adjacent line open working (including confirmation that alternative methods are considered first to eliminate the risk completely). In response to the improvement notice, Network Rail has established a work stream in their Road Rail Vehicle safety improvement programme to secure compliance (end of December 2013). Assurance activity is undertaken at various levels from contractor's self-assurance to independent validation by the roles described above. This assurance activity is being monitored centrally via returns made following inspection/audit at each level.

9. ORR has also been undertaking site based assurance activity through its inspection project for Possession Management and Adjacent Line Open working this year (13/14). From the evidence gained from ORR's site inspection and that presented in NR's compliance report, ORR can confirm that the national improvement notice has been complied with.

10. Application of the plant manual combined with arrangements put in place for adjacent line open working as a result of the national improvement notice, means that Network Rail has implemented this recommendation.

### **ORR decision**

11. ORR, in reviewing Network Rail's response, and the additional information provided, has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

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

**Status:** - *Implemented*