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31 July 2020

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

Dear Andrew,

**RAIB Report: Overspeed at Sandy South Junction, Bedfordshire on 19 October 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 1 August 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 are as follows

- **Recommendation 1** - The table at paragraph 9 of Annex A summarises the status for each operator.
- **Recommendations 2, 3 & 5** – ‘Progressing’.
- **Recommendation 4** – ‘Implemented’.

ORR will advise RAIB when further information is available regarding actions being taken to address these recommendations.

We will publish this response on the ORR website on 4 August 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. All 5 recommendations were addressed to ORR when the report was published on 1 August 2019.
2. After its initial consideration of the recommendations ORR passed recommendation 1 to all TOCs and FOCs. Recommendations 2, 3, 4 and 5 had required action from RDG, Network Rail, all TOCs and FOCs, and RSSB respectively, but following ORR's considerations and issues raised by RDG, Network Rail and RSSB a further meeting was held with RAIB in February 2020 to discuss the way forward with the recommendations.
3. ORR recognised the importance of the issues identified in the report of ensuring speed restriction implementation but considered that the recommendations should be framed in the wider context of securing engineering controls to manage such speed controls, reliably. As a result, recommendations 2 and 3 were instead passed on to RSSB as ORR considered they were best placed to lead cross-industry work on this whilst also recognising that interim reliance would continue to be placed on existing mitigations so short term improvements should also be considered.
4. At the meeting with RAIB in February 2020 it was also agreed that it was appropriate to only pass recommendation 4 on to LNER and not all train operating companies, and that the element of recommendation 5 that suggested a "monitoring" role for RSSB would not be taken forward but that the commitments RSSB proposed in its response to the published report would be broadly consistent with the overall intent of the recommendation. Following the February 2020 meeting, RAIB confirmed this position in writing.
5. Each end implementer was therefore asked to consider and where appropriate act upon the recommendations and advise ORR of their conclusions. The consideration given to each recommendation is included below.
6. 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 minimise the risk of drivers being unaware that they are approaching a section of track where an emergency speed restriction is in force.*

Train Operating Companies and Freight Operating Companies should review their practice in relation to driver's prior awareness of emergency speed restrictions. This review should be based on a suitable and sufficient risk assessment, and consider any necessary measures to minimise the likelihood that a driver encountering an emergency speed restriction may not respond correctly to the trackside signs. Any necessary actions should be implemented.

### ORR decision

7. The recommendation was passed to all TOCs and FOCs.
8. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, all operators have taken the recommendation into consideration and have either implemented it, or are taking action to do so. Annex B contains the responses from individual TOCs and FOCs.
9. The following table summarises the status for each operator:

| <b>Operator</b>          | <b>Status of recommendation 1</b>          |
|--------------------------|--|
| Arriva Rail London       | Implemented                                |
| Arriva Cross Country     | Implemented                                |
| Avanti West Coast        | Progressing                                |
| C2C                      | Implemented                                |
| Chiltern                 | Progressing                                |
| East Midlands Trains     | Insufficient response                      |
| Eurostar                 | Implemented                                |
| GTR                      | Progressing                                |
| Grand Central            | Progressing                                |
| Greater Anglia           | Progressing                                |
| Great Western            | Progressing                                |
| Heathrow Express         | Progressing                                |
| Hull Trains              | Progressing                                |
| LNER                     | Implemented                                |
| Merseyrail               | Implemented                                |
| MTR Cross Rail           | Progressing                                |
| Northern                 | Progressing                                |
| ScotRail                 | Progressing                                |
| Serco Caledonian Sleeper | Non-implementation (trains hauled by GBRF) |

|                      |                       |
|----------------------|-----------------------|
| Southeastern         | Implemented           |
| SWR                  | Implemented           |
| TPE                  | Implemented           |
| TfW                  | Progressing           |
| West Midlands Trains | Progressing           |
| Colas                | Progressing           |
| DCR                  | Implemented           |
| DRS                  | Progressing           |
| DBC                  | Insufficient response |
| Freighliner          | Progressing           |
| GBRf                 | Progressing           |

10. We have written to those operators that have not yet implemented the recommendation (progressing or insufficient response status) asking them to clarify if they have reviewed their existing processes and to explain the measures they have in place to check that speed restriction information has been read and understood by drivers and what monitoring is done to check that the process is working.

11. In respect of LNER, information about ESRs is now included in a more prominent position in the Passenger Operations Information Sheet (POIS) and late notice cases have been reinstated.

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

12. On 12 November 2019 London North Eastern Railways provided the following initial response:

*The RAIB report specifically acknowledges that LNER has reinstated the notification to drivers through the issued POIS sheets (issued to every cab on commencement of the service).*

*Furthermore we have reinstated the late notice case notification of ESRs.*

*I trust this information is sufficient? We have already shown examples of this to Sarah (Cairns) as part of her follow up on the incident.*

13. Annex B contains the responses from individual TOCs and FOCs.

## Recommendation 2

*The intent of this recommendation is to provide drivers with early warnings of emergency speed restrictions en route.*

Rail Delivery Group, in consultation with Network Rail, should consider and review options for a safe and suitable means of providing drivers with warning of emergency speed restrictions on the route ahead through the use of available technologies

### ORR decision

14. As outlined above, following exchanges with RDG, Network Rail and RAIB ORR considered that RSSB was best placed to lead cross-industry work around this recommendation but this should be framed in the wider context of securing engineering controls to manage such speed controls, reliably. RSSB accepted this and wrote to us in June 2020 setting out the two-stage approach they have planned to address recommendations 2 and 3.

15. After reviewing the information provided to date ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB is the correct owner for the recommendation (in the wider context) and has:

- taken the recommendation into consideration; and
- is taking action to implement it, but a time-bound plan is not yet in place

### **Status: Progressing**

#### Information in support of ORR decision

16. On 6 September 2019 the Rail Delivery Group provided the following initial response:

*We believe that this recommendation is better allocated to Network Rail (NR) as the duty holder and wish to formally reject this recommendation on this basis. We however intend to work with NR and RSSB on how the intent of this recommendation is most suitably addressed.*

17. On 12 October 2019 Network Rail provided the following initial response:

*The ORR have requested we consider recommendation 2, RDG have rejected rec 2 and saying it should be directed to Network Rail instead.*

*Network Rail do not believe they are the appropriate owners for Rec 2, and as such will not be accepting the recommendation.*

*The recommendation requires a large proportion of work to be done by the train operating companies, Network Rail will of course assist with any working group and actions arising from Rec 2 if a decision is made on the future use of technologies but we believe that RDG should lead on this work.*

18. On 24 June 2020 RSSB provided the following response to recommendations 2&3:

*With reference to Recommendations 2 and 3, a presentation was made to TARG on the 3<sup>rd</sup> June proposing a two-part approach to managing this recommendation to conclusion. The first phase would be a 'Task and Finish (T&F)' group and the second an R&D project. The presentation described RSSB's intention to ask TARG to lead the 'T&F' group and to sponsor the R&D funding request. TARG have accepted this proposal and Paul Ashton, Professional Head of Operations at Network Rail, has agreed to Chair the 'T&F' group. Keith Shepherd, ORR, has also volunteered to be part of this group and further industry resource is being secured.*

*The next step is for Philippa Murphy, the Principal Strategy Implementation Manager for TARG, to specify the work, agree resources and create a workplan for the 'T&F' group which will be presented to TARG, and to define and submit the R&D Ideas Request Form. The content of these work packages may include, but not be limited to:*

- 1. Defining over-speeding and identifying the data sources needed to improve understanding of over-speeding and its significance*
- 2. Reviewing the recommendations and mitigations proposed to Train Operations Risk Group (TORG, the predecessor to TARG) in December, 2014 within the T1044 report 'A review of compliance with permanent, temporary, and emergency speed restrictions' details of which can be found in Annex A*
- 3. Reviewing the content of an existing proposal on over-speeding to TARG in February 2020*
- 4. Evaluating current hazards and controls and identification of gaps through the use of 'bow tie' methodology*
- 5. Evaluating interim measures i.e. 'the use of miniature ESI boards and the conspicuity of the flashing lights'*
- 6. Supporting and linking into the research work on T1171 in terms of the driver case studies on overspeeding.*
- 7. Quantification of safety benefit of controlling the risk of over-speeding*
- 8. Understanding underlying causation factors around train over-speeds*
- 9. Research and evaluation of technological solutions, both current and future linking to work currently underway within Network Rail solutions*

*It is currently proposed that the bullets 1-6 will be achieved by June 2021 through TARG and the T&F group and that bullets 7-9 will be achieved by March 2022 through the R&D work. These dates will be confirmed once the work packages have been specified resourced and agreed by TARG.*

*The outputs of these workstreams will also support and be informed by industry's work on achieving strategic challenge 4 in the re-launched Train Operations area of*

*the LHSBR<sup>2</sup> where the measure of success is 'Production of an industrywide strategy to improve the management of trains overspeeding'.*

### **Recommendation 3**

*The intent of this recommendation is to review the design and use of the emergency speed indicator board in order that the flashing lights are clearly visible for as long as possible even when the board is in shadow or bright sunlight.*

Network Rail should:

- a) issue clear instructions to its staff about when it is permissible to deploy a miniature emergency speed indicator board; and
- b) determine whether the lamp fittings in emergency speed indicator boards are adequate for the purpose for which they are designed, bearing in mind the difficulty of ensuring the optimum alignment when deploying these boards

### **ORR decision**

19. As per recommendation 2, ORR agreed that the issue of ensuring speed restriction implementation was important but proposed that measures to implement recommendation 3 should be framed in the wider context of securing engineering controls to manage such speed controls. We agreed with RAIB that interim reliance would continue to be placed on existing mitigations so short term improvements should also be considered, in particular, the use of miniature ESI boards and the conspicuity of the flashing lights. Following exchanges with Network Rail and RAIB we considered that RSSB was best placed to lead cross industry work. RSSB accepted this and wrote to us in June 2020 setting out the two-stage approach they have planned to address recommendations 2 and 3.

20. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB is the correct owner for the recommendation (in the wider context) and has:

- taken the recommendation into consideration; and
- are taking action to implement it, but have yet to confirm a completion date

**Status: Progressing**

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

21. On 12 October 2019 Network Rail provided the following initial response:

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<sup>2</sup> <https://www.rssb.co.uk/en/RSSB-and-the-rail-industry/Leading-health-and-safety-on-Britains-railway>



*The recommendation made is not considered appropriate given the application of emergency speed indications and their visibility requirements.*

*The RSSB publication “sign AF01 – Emergency Indicator” gives information on size, reflectivity of the sign (RA2) and the colour, flash rate and beam width maxima for the lights, but does not specify the visibility or readability requirements and the absence of a beam width minima does not enable definition of alignment criteria. Similarly, the RSSB publication “sign AF02m – Temporary Speed Restriction Warning Board” does not specify the visibility or readability requirements. The same is true of the other associated temporary speed restriction sign publications.*

*Note permanent speed restriction signage visibility requirements defined in the signal sighting assessment set out in RIS-0737-CCS*

*The requirements for erecting temporary or permanent structures are controlled by the requirements for structural clearances (gauging) set out in RSSB and NR standards, however the RSSB publications and NR standards omit general guidance on placement, other than in TR/D/S/006 which specifies the signs applicable to “cess (or other areas with suitable clearance)” or “anywhere”.*

*NR propose the requirements for visibility and readability of emergency and temporary speed signage is not clearly agreed with industry partners and a more suitable action would be to form a cross industry working group. NR propose this is led by the RSSB. In particular this group should consider the applicability of the RIS-0737-CCS clause 4.8 in association with the signs for emergency, temporary and permanent speed restrictions published in the RSSB signs catalogue.*

22. On 24 June 2020 RSSB wrote to us setting out the actions being taken to address recommendations 2 and 3 (see para 18).

#### **Recommendation 4**

*The intent of this recommendation is to ensure drivers have an understanding of how to deal with tasks which may require addressing within the cab environment.*

LNER should review its professional driving policy and associated competency arrangements to ensure that drivers are provided with risk based guidance on how and when they can safely carry out tasks in the cab while the train is in motion. This guidance should ensure that drivers can be confident that they can reduce speed, or stop, if required (paragraph 96a).

This recommendation may also apply to other train operating companies.

#### **ORR decision**

23. Following further discussion with RAIB it was agreed that this recommendation should be passed only to LNER who confirmed that they have

reviewed their Professional Driving Policy and that it does include guidance around drivers not retrieving items from their kit bags while the train is in motion and that special care should be taken when approaching a location where the speed of the train needs to be reduced.

24. ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, LNER has:

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

**Status: Implemented.**

### Information in support of ORR decision

25. LNER responded on 27 April 2020 stating the following:

*Please find attached the latest version of our Professional Driving Policy as requested.*



SMS19.05  
Professional Driving

*In regards to our actions at the time of the incident, I have reviewed this with our Service Delivery Team in York ROC, at the time of the incident the team were not aware of the full circumstances, the information received in regards to train speed was not sufficient in detail to inform them of the full seriousness of the incident. The train had arrived into Kings Cross and the Driver was being interviewed by the Driver Team Manager when the actual speed of the train was established, if this detail had been known sooner the Service Delivery Team tell me they would have stopped the train out of course to challenge the Driver and relieve him of duty.*

*The Professional Driving Policy was reviewed by our Operations Risk Manager following the publication of the RAIB report, it was noted the policy contained paragraphs covering Drivers not retrieving items from their kit bags while the train is in motion and special care should be taken when approaching a location where the speed of the train needs to be reduced. The subject of giving Drivers examples of a location where it would be safe to retrieve items was debated but it proved impractical to give guidance on a suitable location due to the number of variables that would need to be considered, as an example if you consider where the Driver actually leaned over to get his bag approaching Sandy the line ahead is straight and multiple green signals were observed in the distance, this would appear to be a very suitable location but for the emergency speed restriction the driver failed to notice.*

*In conjunction with the Professional Driving Policy review we amended the business process for informing Drivers of Emergency Speed Restrictions out on*

*the route, we now ensure all Emergency Speed Restrictions are posted in the depot notice cases along with attaching a copy to each train's POIS list.*

*We have also subsequently issued the Drivers a Safety Bulletin (also attached)*



LNER111\_19 Safety  
Information - Manag

*about managing in cab distractions, although heavily weighted towards Azuma operation in this bulletin we have informed the Driver it is ok for them to actually stop the train to deal with something that is distracting them (this is the first time we have explicitly informed them and given clear guidance of the importance to actually stop the train and deal with any situation if necessary).*

*Finally, we are in the process of entering into a contract with a software provider for a Rail Companion app for the Drivers iPad, this app has the functionality to push out notifications and safety updates to the Driver, this will close the final "gap" in this piece of work on how we notify a Driver of the last minute implementation of an ESR when they have booked on and departed from their home depot.*

## **Recommendation 5**

*The intent of this recommendation is to learn lessons from the 2008 change to the rules relating to emergency speed restrictions and to consider the extent to which these have been addressed by the current processes which are applied by standards committees.*

RSSB should lead a review of how the proposal to remove the requirement in the rule book to notify drivers of emergency speed restrictions was managed. This review should:

- highlight any lessons learnt and consider the extent to which these have been addressed by the current processes which are applied by standards committees; and
- consider how RSSB and Railway Group members can best work together to monitor the effects of significant changes to the rule book, such that any unexpected consequences can be further managed or mitigated.

The outcomes of the review should then be used to inform any necessary improvements to the current processes and the training provided to persons involved in the evaluation of proposed changes to the rule book

## **ORR decision**

26. In its initial response on publication of the report, RSSB had partially accepted the recommendation and committed to consider the relevant findings of monitoring carried out by dutyholders and ORR when a change to a standard or operational rule was proposed; as part of the review process mandated by the Railway Group Standards Code, to take into account any intelligence in the application of standards;

and to develop guidance for standards committees for reviewing the effectiveness of standards.

27. ORR's February 2020 discussions with RAIB noted that these proposed actions would be broadly consistent with the intent of RAIB's recommendations. ORR requested that RSSB therefore report against those specific actions.

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

- taken the recommendation into consideration; and
- is taking action to implement it, but a time-bound plan is not yet in place

**Status: Progressing**

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

29. On 6 September 2019 RSSB provided the following initial response:

*Following the discussion that we had on 20 August, this letter confirms that RSSB does not accept the recommendations directed to RSSB in the RAIB investigation of the overspeed incident at Sandy on 19 October last year.*

*In our prior engagement with RAIB we made our opinion clear that the investigation did not adequately consider the whole circumstances; the focus on the changes to the operational rules and actions of the standards committee was disproportionate and not reflective of current practice. We expressed concern that this could unduly undermine confidence in present arrangements and represents a missed opportunity for RAIB to target its recommendations on the true root cause(s) of the incident, and thereby direct the industry to effect workable safety improvements.*

*Central to our concern was the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case. We also expressed concern that wider issues about the management of speed restrictions and the driver's fitness for duty should be considered further.*

*RAIB did take some of our concern into consideration but not to an adequate extent; the revision to the main body of the report in particular was less than we considered merited.*

*We partially accept the first part of the recommendation (number 5) placed on us to "highlight any lessons learnt ..." and we have already committed to review in detail the process and decisions made in 2007 in respect of this change to the Rule Book and implement any corrective actions identified.*

*We do not accept the second part of the recommendation to "consider how RSSB and Railway Group members can best work together to monitor the effects of significant changes ..." as we are not accountable for monitoring. We*

*will of course consider the relevant findings of monitoring done by duty holders and the ORR when a consequential change to a standard or operational rule is proposed. Also, as part of our review process (required by the Railway Group Standards Code), we will take any intelligence in the application of standards into account, as guided by the standards committees. To support this, we have committed to develop guidance for standards committees for reviewing the effectiveness of standards.*

*Considering the rest of the content of the investigation report and taking into account previous work on the management of speed restrictions, we propose that a structured review of research, recent experience and practice is undertaken. The aim will be to develop an approach for the better management of speed restrictions taking into account safety benefit, operational requirements, human factors, technology and cost. This should be governed by a cross-industry group and we consider that the Train Accident Review Group is well placed to lead this. We will propose this approach and we welcome the ORR's support in doing so.*

30. On 24 June 2020 RSSB provided the following update on recommendation 5:

*With reference to Recommendation 5, we have already set out our position in the letter from Tom Lee to Keith Shepherd on 6 September 2019. The letter highlighted that the committee decision under scrutiny pre-dates several legislative changes such as the Common Safety Methods (CSM) on Risk Evaluation and Assessment and CSM on Monitoring which have reinforced safety related obligations. It also predates the current issues of the Railway Group Standards Code and the Standards Manual which were approved by the ORR and the industry in 2014. Since then we have further strengthened our analytical documents such as the introduction of the Business Case for Change (April 2020 onwards) which now explicitly requires identification of impacts in seven categories such as legal compliance as well as health, safety and security. Having reviewed the decision in 2008, we have identified a particular analytical issue around secondary controls which is as pertinent now as in 2008. Further details on the points above are provided in Annex B.*

*Recognising the improvements in the decision-making process already made, we propose to re-brief the committees and relevant RSSB staff over the course of 2020/2021 to address Recommendation 5. The briefings will cover guidance on the separation of the legal obligations and standards; what a withdrawal of a requirement means; and the analytical considerations where a withdrawn requirement is linked to a secondary control and benefits or disbenefits may be difficult to quantify. The material will also be included as part of the regular committee member induction and incorporated in internal RSSB guidance to ensure that the lessons are not lost.*

## Summary of end implementer correspondence on recommendation 1

### Recommendation 1

*The intent of this recommendation is to minimise the risk of drivers being unaware that they are approaching a section of track where an emergency speed restriction is in force.*

Train Operating Companies and Freight Operating Companies should review their practice in relation to driver's prior awareness of emergency speed restrictions. This review should be based on a suitable and sufficient risk assessment, and consider any necessary measures to minimise the likelihood that a driver encountering an emergency speed restriction may not respond correctly to the trackside signs. Any necessary actions should be implemented.

### Responses from TOCs and FOCs as follows:

1) Arriva Rail London provided the following response dated 20 May 2020:

*Arriva Rail London (ARL) carried out a review of existing processes to identify if there were any procedural gaps that could allow for a driver to commence train operation without being aware of newly established emergency speed restrictions on the line that they were due to be driving on. The review identified that:*

- *Procedure SQE 15.05 (Control of Operational Notice Cases) details how to ensure that all new notices, including emergency speed restrictions, are displayed appropriately. Arrangements for display, control and management of all operational notices displayed in cases are clearly defined; compliance checks have confirmed that the process is being followed at all driver booking on points*
- *Procedure SQE 15.06 (Preparation, Issue and Control of Operational Notices) details how operational notices are to be prepared, issued, controlled and validated, and also clarifies roles and responsibilities for the tasks involved. Internal compliance checks have confirmed that the process is being followed*
- *SQE 15.06 defines the process to be followed for identification of a notice requirement, preparation and validation of notices, and the format, issue and posting of notices*
- *Drivers are required to read all notices prior to presenting for duty. Part of the 'booking on' process requires drivers to confirm (either electronically or in writing, dependent on location) that they have read and understood all notices relevant to the route they will be working on*

- *Regular Safety Training Update Days (STUDs) are carried out for drivers, where a number of issues including (where necessary) emergency speed restrictions, temporary speed restrictions, and any changes to other speed restrictions may be discussed / briefed.*
- *Most drivers have now been issued with iPads on which Weekly Operating Notices (WONs) are displayed; the rollout of iPads is ongoing, and following agreement with Trades Unions, will be complete in Q3 of 2020. Whilst it is acknowledged that emergency speed restrictions are not included in WONs, this information will be uploaded to iPads once rollout is complete*
- *ARL has recently appointed a new Head of Operational Strategy who is reviewing all operational processes to ensure that any further opportunities for improvement are identified and implemented.*

*The processes ARL has in place for the dissemination of safety critical operational information are under constant review; a number of the system improvements that have been implemented since mid-2019 have been informed by industry knowledge of the Sandy South Junction incident. Recommendation 1 of the RAIB report clarifies what is required, and in light of the above, it is felt that current arrangements are robust, although we will continue to develop these to ensure that any risk of error is further reduced .*

2) Arriva Trains Cross Country Ltd provided the following response dated 27 February 2020:

*CrossCountry has reviewed the RAIB report and has undertaken an internal review to understand the recommendations as they apply to us.*

*All Rule Book changes are advised to CrossCountry well in advance of the changes coming into effect, normally this is approximately 6 months prior. They are received to 'Document Control' and they are then distributed to the relevant professional heads for review. In CrossCountry this is the Operations Standards Manager who will then review and feedback any comments to RSSB and if satisfied with the changes will communicate what these mean to our business. Some changes may require changes to internal instructions which are in place as the railway undertakings. Changes to Rule Book and any to our own internal instructions will then get communicated to those affected such as traincrew and frontline managers.*

*All changes to Railway Group Standards which includes Rule Book modules as described above come through document control, as well as professional heads reviewing these they also get recorded and discussed at the company Safety Security Environment Group (SSEG) which meets every four weeks and chaired by the Managing Director. It reviews safety performance changes to standards, reports, and investigations. The SSEG meeting will agree what changes need to be made.*

*With regard to the changes to the Rule Book identified in the RAIB report for removal of the requirement to advise drivers of Speed Restriction, CrossCountry agreed that we would not change our current process to inform drivers, we felt the current system which was tried and tested ensured that a train driver had all the information he needed and this was over and above what was being changed in the rule book.*

*We still to this day maintain the requirement to inform drivers and guards changes to speeds or immediate operating information through a late notice case.*

*The Late Notice Case in CrossCountry is still maintained and this supplements Weekly and Periodic Operating Notices (WON/PON) as well as company specific Operating Notices and instructions. How we communicate information to include railway safety and operational requirements is having to adapt to an ever changing world of electronic medium, this has a number of benefits as information supplied this way is live and current, and can be changed in real time to meet the changing railway and infrastructure, emergency speeds introduced for example. Moving to electronic also has a reduction of our environmental impact with reduction in use of paper, and so reducing the carbon footprint.*

*The late Notice Case for Traincrew in CrossCountry is as follows.*

### **Drivers**

*All Drivers and Driver Managers are issued with an electronic device (tablet/iPad) which will connect to the internet to which an application called 'content locker' is used.*

- Speed restrictions imposed or removed by Network Rail are communicated from the Regional Operating Centres to CrossCountry Control, they in turn update a central document that is accessed by drivers and driver managers through content locker and have minute by minute access to all the speed restriction and instructions that apply to CrossCountry that are not published in WON/PON I have shown an example of our electronic late Notice in Appendix A*
- Operating Instructions issued by CrossCountry are issued by the safety team and document control and these are also uploaded to Content Locker and again are always live.*

### **Guards**

*At this time are electronic devices are still to be issued, so the more traditional format for a Late Notice Case is still in place*

- Notices and instructions are printed and placed in this case, additionally in CrossCountry the current live late notice containing speed restrictions is automatically printed off as each person books on and is taken with them whilst on duty. See Appendix A*

*It is important that CrossCountry ensures that Traincrew read and understand notices issued to them this is undertaken as follows:*

- For Drivers we check remotely that drivers have signed into their electronic devices and accessed content locker this is done by the driver manager remotely and forms part of the unannounced assessment. The opening of the live late Notice leaves and electronic signature. Additionally, as part of*



*competency assessments the driver manager will check the driver's device to check that the late notice has been opened.*

- *For Guards as part of competency assessment the guard's manager will check equipment being used by the guard and that they are in possession of a late notice document and it is signed, a copy is retained on the competency pack.*
- *For Control who update the live document we have an annual audit of the control undertaken by the safety team, a part of that audit is to review information received from ROCs and updated on the live late notice ensuring that detailed records of what is received and how it was processed.*

*We are in the process of moving our Competency Management System to electronic style using a system that many other TOCs have introduced, the requirement to check for late notices will be incorporated in the relevant elements of the competency pack that will be completed by frontline managers and trained competency assessors.*

*In conclusion CrossCountry we have a process in place that has been in place since British rail which ensures that safety information especially speed restrictions are communicated to drivers and we have not removed the required as outlined in the Rule Book Change identified in the RAIB report, This process we still have in place gives us confidence that our drivers have the most up to date information available to them when out on the trains, it has adapted to the ever changing world of electronic communication, but this has the advantage of ensuring a driver has the most current information during his shift not just at the start.*

3) Avanti West Coast provided the following response dated 28 January 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter, and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first*

*principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Our processes for pre-warning include the use of a printed document known as the 'Late Notices', not only containing those applicable ESR's, but also any important safety advice we require to communicate to Traincrews with immediate effect.*

*Our traincrews have a responsibility to collect a personal copy of the document during the booking on procedure signing the document to confirm understanding as they do with the Weekly Operating Notices. These can then be requested to be reviewed by an appropriate manager to verify the traincrew are in possession of them. This personal issue allows our drivers to continually remind themselves of these ESR's applicable to their route when safe to do so and therefore this provides mitigation of the risk of forgetting what restrictions are ahead and the length (in distance) of the restriction. Avanti also have a contingency in place should the item of equipment used to print these documents within the booking on points fail. A process is in place where the member of traincrew must contact the Resources Centre who will dictate the information applicable to their train. The latter part of the recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out below addresses clause (b) above, inasmuch that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

4) c2c Rail Ltd provided the following response dated 28 January 2020:

*c2c post all emergency speed restriction (ESR) notifications in the 'Late Notice' case at all signing on points. The notices will be displayed in the 'Late Notice' case until the emergency speed restriction is removed or it becomes a temporary speed restriction (TSR). In the event of no ESR boards being displayed each driver will be contacted directly and informed of the ESR speed and location.*

c2c Rail Ltd provided an update on 27 July 2020 confirming they had completed a review of the arrangements for notifying drivers of ESR's and associated monitoring arrangements.

5) Chiltern Railways provided the following response on 28 February 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*Chiltern Railways (CRCL) has reviewed the process of communicating safety of the line information, including ESRs, to traincrew at all CRCL depots - Supervised and Unsupervised. The review considered the risk assessment associated with this process and we are satisfied that it is suitable and sufficient in most cases. However, additional measures have been identified to address shortfalls at remote locations.*

*CRCL use physical notice cases at booking on points in all traincrew depots to communicate safety of the line information. Once the ESR is received from the Infrastructure Manager, CRCL utilise a manual process for disseminating the information to traincrew depots, unlike Sandy South where there was a reliance upon electronic media. This information is then displayed in the late notice cases which are secured at each booking on point. All ESR notifications must be physically acknowledged as being displayed at depots and CRCL Control have a process to chase non-returns.*

*CRCL have clearly defined responsibilities for line managers regarding depot operations and these are subject to regular audit and verification.*

*The additional measure identified within the recent Chiltern Railways review of the risk assessment for the communication of safety of the line information to ensure its timely display at unsupervised depots during IT failure is a proforma at all locations which can have the information dictated over the telephone by Chiltern Control allowing for same format display in the late notice case. This will be included in the next review of the Depot Management Procedures company standard.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESRs. This approach encourages the industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be*

*reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We believe that while the CRCL process robustly displays the information at all locations in a consistent and timely manner, a risk of a driver not responding effectively to an ESR remains. Therefore, we recommend that the Infrastructure Manager should consider provision of additional innovative control measures such as portable TPWS grids.*

6) East Midlands Trains provided the following response on 21 May 2020:

*We can confirm that EMR have taken this recommendation into consideration and can confirm that we continue to work to an industry recognised process to advise drivers of ESR's and have maintained the Late Notice Procedure to advise drivers of these restrictions.*

7) Eurostar provided the following response on 28 February 2020:

*Eurostar operate services between London, Paris, Brussels, Amsterdam and to locations in the south of France using Class 373 and Class 374 rolling stock. Within the United Kingdom these services operate on HS1 infrastructure between London St Pancras station and the Channel Tunnel and on Network Rail Infrastructure Limited metals around Ashford International station. Operations on HS1 infrastructure and through the Channel Tunnel are conducted at speeds up to 300km/h (186mph) using the TVM430 in cab signalling system. Conventional lineside signals are only encountered on the approach to St Pancras station and when operating through Ashford International station. Train protection is provided through TVM430 where cab signalling is in operation and via KVB (Controle Vitesse par Balise – Speed Control by Balise in English) in the St Pancras and Ashford Station areas. While AWS and TPWS are also provided as ground equipment at Ashford International, primary protection for Eurostar services is via KVB.*

*In terms of Emergency Speed Restrictions these are communicated to traincrew via the following means:*

*Eurostar maintains Late Notice Cases in all its traincrew locations. Additionally our Control office (known as the CRE – Control Room Eurostar) will inform drivers who book on remotely of any late information, including that relating to Emergency Speed Restrictions which may be required.*

*In areas where TVM430 cab signalling is used temporary and emergency speed restrictions are applied via the TVM430 system and so the driver will be alerted to the reduction in permissible speed which will then be monitored via the trains on board overspeed detection system (COVIT – Controle Vitesse, or literally Speed Control). The TVM430 cab signalling system works through continuous display of the permissible speed at any given time, with this reducing on approach to closed markers (the TVM430 equivalent of red signals) or speed restrictions while a brake curve speed is imposed in the background. Should a train exceed the speed limit or fail to achieve the required brake curve while speed is reducing, the COVIT system will intervene, an alarm will sound and the brakes are automatically applied. The TVM430 system can apply temporary or emergency speed restrictions in this manner for speeds down to 30km/h. In this case no lineside boards are provided with all required information relating to the speed restriction being provided through the cab signalling system and active control via COVIT ensuring this is applied by the train driver.*

*Where a temporary or emergency speed restriction is to be applied which is more restrictive than 30km/h, or where there is an emergency speed restriction imposed on a conventionally signalled section of line around St Pancras or Ashford lineside boards are applied. In these cases the signaller will stop the train to inform the driver of details of the restriction and action to be taken. Largely due to the international nature of Eurostar's operations with French and Belgian crew as well as UK based individuals such messages are transmitted using special forms known as Livret Formulaires (literally "book of forms") which facilitate the conversation between traincrew and signallers. The form used for emergency speed restrictions is form VILI.*

*We are therefore satisfied that we have suitable and sufficient arrangements in place to ensure our drivers are aware of emergency speed restrictions and to minimise the risks associated with failure to comply with associated lineside signage.*

8) Govia Thameslink Railway (GTR) provided the following response on 28 February 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for*

*ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Our processes for pre-warning include the of posting of paper notices into the Late Notice Case found at all GTR driver depot booking on points. These are sent via Network Rail Control to Driver Resource Manager (DRM) and numerous other recipients by email. All our larger depots have a DRM 'on shift' to see drivers booking on, and upon receipt of notice, which will be logged, these are posted to the Late Notice Case. At satellite depots, Local Operations Managers (or leading drivers) undertake the posting of notices; out of hours, the remote booking on system is used to advise the driver of any new late notices (until a copy is posted in the Late Notice Case). The processes described here, are subject to compliance audit in periodic depot assurance checks. The latter part of the recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out below addresses clause (b) above, inasmuch that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

9) Grand Central Railway provided the following response on 28 February 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter and we are supportive of the issues that they have raised in their response to you.*

*Recommendation 1 considers a review of administration processes, whilst recommendation 2 of the RAIB report considers improved pre-warning to drivers of emergency speed restrictions (ESR's). We believe it would be better to have a systematic review of the way the industry manages ESR's, especially those of higher risk (where a large speed reduction is required), such as in the case of Sandy South. We are concerned with the apparent reliance being placed by RAIB on the secondary risk control measure of providing notification to drivers of ESR's, using a Late Notice Case (LNC) type process.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESR's, an approach that encourages industry to add in layers of protection. Would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of ESR's needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work on this with RAIB, RSSB, Network Rail and other industry stakeholders.*

*We support the RDG's Request for Help submitted to the RSSB. The outcome from this is for the RSSB to formally review the controls to manage the risk of imposing ESR's, including a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large reduction in train speed.*

*We have reviewed our process for how drivers are pre-warned of ESR's. However, it needs to be recognised that Network Rail as the Infrastructure Manager plays a key role in warning drivers of an approaching ESR, bearing in mind that a driver may have booked on for duty prior to the implementation of the ESR. A LNC will usually only be available/viewed by the driver at the time of booking on for duty.*

*Our process at GC for warning drivers of ESR's can be outlined as follows:*

- TOC Control upon receiving advice of an ESR from Network Rail, will issue the information to all drivers via their personal Smart Device (phone and tablet) by email*
- Driver to check their Smart Device at the commencement of duty (as they would a LNC)*
- Drivers may check for any updates on their Smart Device during their turn of duty, at points when it safe to do so (per our Use of Mobile Devices policy)*
- Drivers have two Smart devices, so providing a level of back-up (if a device is defective)*
- In the event of the email system going down (or suchlike), the driver would contact Control via telephone when booking on to obtain any late notice information*

*This has by and large been our ESR (Late Notice) advice process for many years now. It provides several benefits in comparison to using the traditional LNC process, including:*

- As most TOC/FOC signing-on points are unmanned/unsupervised, it guarantees driver receives ESR advice (no need/reliance for physical posting of notices)*
- As some GC drivers occasionally lodge overnight away from home depot, this ensures they receive ESR and other late notice safety of line messages (e.g. – weather, technical, etc)*

- *It provides greater opportunity for a driver to become aware of a late notice advice during the turn of duty (and not just at booking on time, per the LNC process)*
- *It provides the ability for reliable monitoring and tracking of the process*

*In considering this RAIB investigation and report, GC have undertaken a fresh risk assessment of our ESR process, and we have reviewed and updated the related SMS procedures for this, to ensure they remain robust and appropriate.*

*The latter part of the RAIB recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out here (above) essentially addresses what GC as an individual duty holder can do and are therefore doing to address the RAIB recommendation. Our approach also though, supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot currently provide a timescale against.*

*I believe that this response explains how GC have measures in place to ensure our drivers have awareness of ESR's on routes they drive, to as far as is reasonably practicable level for a TOC to achieve, short of the collaborative whole system solution approach referred to in this letter.*

10) Greater Anglia Ltd provided the following response on 27 February 2020:

*As a result of an internal review of RAIBs report into the above-mentioned incident and the recommendation made. Greater Anglia undertook a full review of our management standard 15.08 - Control of Depot Notice Cases & Traincrew Information Monitors.*

*Traincrew information screens are provided at all traincrew locations to display information of an urgent nature that will be required by traincrew when signing on duty. Monitors are placed in a prominent position within the signing on point, so it is easily identifiable and accessible to traincrew, these screens also display details of emergency speed restrictions (ESRs).*

*In the event of a failure of the traincrew information screen details of any ESRs will be sent to the depot(s) concerned and then displayed on the Late Notice Clip Board.*

*The arrangements detailed are in place so that driver's prior awareness of emergency speed restrictions are in place so that the likelihood of a driver not responding correctly to track side signs when approaching a speed restriction is reduced.*

11) Great Western Railway provided the following response dated 14 January 2020:

GWR advises drivers of Emergency Speed Restrictions (ESR), which include:



- When each driver books on duty they are provided by the automatic booking on process their own personal printed copy of a late notice that contains details of all ESRs along with other Safety of the Line information. This has the benefits of the driver being able to refer to the document at any point during their turn/journey;
- GWR do not have a traditional 'Late Notice Case' which would rely on drivers personally noting down or remembering any ESRs. As stated above we provide drivers with a personal printed late notice;
- Additionally, on ATP fitted routes, Network Rail are required to 'chip' the signalling system where the driver also receives an ATP warning for an ESR. This initially provides a driver with a visual indication and within 48hrs Network Rail are required to replace the 'chip' with one that provides the driver with the speed required along with the provision of a monitored speed reduction profile. Should the driver not adhere to the speed reduction profile an alarm will sound, and the brakes will be applied automatically;
- Our training and assessment strategy is designed to ensure drivers are competent in adhering to ESRs. Drivers competence is further assessed during simulator assessments to ensure adherence to ESRs, especially their decision making processes for dealing with 'out of course' and 'degraded' ESRs.

12) Heathrow Express provided the following response on 5 February 2020:

*Great Western Railway (GWR) operates the Heathrow Express on our behalf and under their safety certificate and we have confirmed with them the actions they are taking and are confident the actions are suitable. We continue to maintain assurance oversight of GWR and will do on this matter also.*

13) Hull Trains Company Ltd provided the following response dated 3 March 2020:

*We have been in discussion with Rail Delivery Group (RDG), who also were provided with the report and the ORR's letter and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for*

*ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process?*

*There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Our processes for pre-warning include the use of ESRs posted in the Late Notice Case in our signing-on point at Hull, in accordance with our Management of Traincrew procedure HT/OM06.*

*The latter part of the recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out addresses clause (b) above, in so much that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

14) LNER provided the following response on 12 November 2019:

Specifically to the question asked in your email around recommendation 1.

The RAIB report specifically acknowledges that LNER has reinstated the notification to drivers through the issued POIS sheets (issued to every cab on commencement of the service).

Furthermore we have reinstated the late notice case notification of ESRs.

15) Merseyrail provided the following response on 28 February 2020:

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR.*

*The arrangements for managing emergency speed restriction (ESR) are contained within the task based risk assessments for Drivers which are reviewed as standard as part of the internal risk assessment process.*

*Our processes for pre-warning of ESRs include the use of late notice cases to alert Drivers when booking on duty which are received directly from the control centre. Additional controls include the incorporation of responding to emergency speed restrictions into Driver training and competency management systems, whereby Drivers are observed controlling the train in reaction to speed restrictions. On-going information, instruction and communications are provided on the topic and is provided to drivers in the second safety brief of the cycle each year and as a special topic article in Signal magazine.*

*In the instance that an ESR is issued and there is a risk that a Driver has booked on duty before the instruction is listed in the late notice case, there are additional mitigations whereby the driver will be verbally advised by the signaller prior to the line side equipment (warning boards AWS magnets etc) being put into place. Once the equipment has been put in place this is deemed sufficient to inform the driver of the ESR. It is also recognised that Merseyrail operate on a low speed network over 70 miles of track which allows drivers to drive on every route every week which enhances their familiarity with route risks and locations where ESRs are typically instigated.*

*Due to the changes associated with the introduction of a new fleet of trains, the way in which ESR notifications are communicated to Drivers is being assessed and incorporated into the relevant risk assessments and internal procedures.*

16) MTR Elizabeth Line provided the following response on:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter, and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and*

*holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Our processes for pre-warning include the use of posted ESR information in Late Notice Cases in areas of the route considered to be complex (ie, the inner London area east of Liverpool Street) and outside of normal 'office hours' at booking on points. The latter part of the recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out above addresses clause (b), inasmuch that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

17) Northern Rail provided the following response on 31 January 2020:

*Northern have reviewed our practice in relation to making drivers aware of emergency speed restrictions (ESR), and we are satisfied that the processes we have in place minimise the likelihood of a driver encountering an ESR and not responding to the trackside signage.*

*Northern did not alter their process for informing of ESR's despite the changes to the rule book in June 2008. Northern have continued to provide details of any ESR's through our late notice case. Our Duty Control Manager (DCM) once notified of an ESR will send the details through to the Train crew supervisor (TCS) responsible for the signing on points at our traincrew depots. The TCS will then place a notice of the ESR in the late notice case which is compulsory for all our drivers to read whilst booking on duty. The notice will remain in the late notice case until such time that the ESR becomes a temporary speed restriction (TSR) and appears in the weekly operating notice, it is removed at the request of the DCM.*

*Whilst this will not capture those drivers who have already commenced a journey prior to an ESR being put into place, the rule book covers this eventuality and the signaller is required to stop any trains approaching an ESR prior to the warning indicator and signage being erected and tell the driver the location where the ESR begins and ends and the speed limit imposed.*

*Once the equipment is in place we expect our drivers to respond to that as per the rule book instructions. All our drivers receive training on the rule book GERT8000-SP Issue 5 which covers the equipment and signage deployed to identify an ESR and*

*details the driver actions on encountering an ESR. This is covered on their driver training course and monitored as part of their ongoing competency assessment cycle to check ongoing knowledge and understanding.*

*To further enhance our capability for informing drivers of issues such as ESR's Northern are looking to introduce mobile tablet devices which will be capable of receiving notices direct to them, for a driver to read at locations other than a SOP (but not whilst operating a train). The issuing of tablets to drivers is currently part of ongoing negotiations with ASLEF over amended terms and conditions of employment. Therefore whilst the timescale for this cannot be identified at this stage, I would hope that this piece of work would have progressed towards the end of 2020.*

On 31 July 2020 Northern Rail provided the following update:

*There is no check by the TCS or DSM – but it does form part of our competency assessment cycle – there is a section on booking on and drivers are expected to know the process. As part of our booking on assessment (which is mandatory 1 per assessment cycle) the assessor would observe the driver booking on (unobtrusive) and then ask questions about notice case items.*

*It is also part of our practical assessment process, if going over a route with an ESR the assessor would ask about it prior to establish if the driver had read and retained the information in the notice case.*

18) ScotRail provided the following response on 3 March 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter, and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Classified as INTERNAL*

*Our processes for pre-warning include the use of wires/notices from our Integrated Control Centre that are printed and posted within the Late Notice Case at all depots. This has been a continuation of what was previously dictated in the Rule Book and that we have continued to since its removal. The latter part of the recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what we have set out addresses clause (b) above, inasmuch that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

19) Serco Caledonian Sleeper provided the following response on 23 March 2020:

*We have received a response from our Traction Supplier (GBRf) which was previously sent to the ORR by GBRf. Given that GBRf are Serco Caledonians Sleepers sole supplier for locomotives and drivers we concur with this response.*

20) Southeastern provided the following response on 21 February 2020:

*The background to this recommendation was, in essence, that LNER had discontinued the use of the Late Notice Case as a means of communicating Emergency Speed Restrictions (ESR) to drivers. Southeastern continues to use Late Notice Cases for this purpose whilst having also embraced the use of technology to communicate key messages directly to driver iPads and also via our ISSI system when drivers "fob on" to duty. Given this situation, and the fact that we have perpetuated and added to long-established industry practice, we do not believe it is necessary or appropriate for us to now conduct a full risk assessment to justify our position.*

*We do, however, acknowledge that a wider industry review in relation to communication of details of ESR may be appropriate. To that end we have been in discussion with the RDG, who also were provided with the report and your letter, and we support the issues that they have raised in their response to you.*

*Whilst Recommendation 1 considers a review of administration processes and Recommendation 2 considers improved pre-warning of drivers, we do not feel that these points can easily be separated. Rather than considering these two issues*

*independently and risking creating additional layers of bureaucratic controls with little benefit, we believe it would be better to have a systematic review of the way the industry manages emergency speed restrictions as a whole, especially those where the speed is reduced by a large margin, such as in the case of Sandy South. Given the seriousness of this incident, we believe the best response would be for the control of Emergency Speed Restrictions to be reviewed on a more fundamental and holistic basis, and we would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*Therefore Southeastern's immediate response aligns with your point (c); we do not believe that we need to take any immediate measures to implement this recommendation given that we already have multiple channels – including Late Notice Cases – in place to communicate ESR information to drivers. However we do support a wider risk review of the ESR process itself and would be pleased to participate in cross-industry work to review and reduce risks associated with imposition, communication and observation of ESR.*

On 22 July 2020, Southeastern provided the following update:

*Further to our initial response letter of 21 February, I can confirm that Southeastern reviewed the RAIB report at its Company Standards and Recommendations Group (CSRG) to understand the recommendations as they apply to us on our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs). The review concluded that in respect of Recommendation 1, the following suitable arrangements are in place for ESRs:*

- Company Work Instruction SE/WI/OPS/014 (Operating Notices) details how all new notices, including ESRs, are displayed appropriately. Arrangements for display, control and management of all operational notices displayed in cases are clearly defined. This includes process to be followed for identification of a notice requirement, preparation and validation of notices, and the format, issue and posting of notices.*
- Southeastern uses physical notice cases at booking on points in all driver depots to communicate safety of the line information. The Kent Integrated Control Centre (KICC) issues ESRs as Late Notices to driver depots where the information is printed and then displayed in the late notice cases which are secured at each booking on point. The KICC also issues ESR Late Notices electronically by email to all drivers, enabling them to view these on company issued iPads.*
- Company Work Instruction SE/WI/OPS/001 (Train Driver Management and Competence) requires each Driver to 'Self Certify', by means of the electronic booking on system (fobbing on), that they are in a fit condition to carry out their duties, have all equipment and publications required and they have read and understood all notices (including ESRs) relevant to the route they will be working on.*
- The competence management system (CMS) criteria for drivers at Southeastern (SE1) requires assessment evidence, in each competence cycle, of drivers checking for ESR Late Notices, correctly complying with ESRs whilst driving either through direct*

observation or remote OTDR review and demonstrating underpinning knowledge on the arrangements for receiving information on ESRs and the layout and indication of the trackside ESR equipment.

- *Monitoring to check that the processes on the distribution and display of ESR Late Notices at depot and driver's compliance with ESR notice requirements are effective are completed as part of periodic depot assurance checks carried out monthly by Driver Managers and biannually by Operations Standards Specialists.*

*The processes in place for how drivers are pre-warned of ESRs at Southeastern shall remain subject to ongoing monitoring and review to ensure they remain effective and comply with company standards.*

*Further enhancement to the distribution of ESR Late Notices to drivers at Southeastern is planned through introduction of an electronic bulletin app that has the functionality to push out notifications and safety updates to the driver, including ESR Late Notices, providing real time distribution and acknowledgement by drivers that notices have been received and read. This app shall be implemented when the issue of new electronic devices to drivers is completed.*

*Given the critical role that the Infrastructure Manager continues to play in the prior warning to drivers of ESRs, particularly where drivers have already booked on post implementation of the ESR, Southeastern supports the workstreams proposed by the RSSB, through TARG, the T&F group and R&D workstreams, to enable a holistic risk review of the industry controls and mitigations in place for the ESR process to be completed.*

21) South Western Railway provided the following response on 1 April 2020:

*Prior to urgent safety advice 03/2018 being published 29 November 2018, SWR issued emergency speed restriction (ESR) notices to Drivers on speed restrictions that were in force between Waterloo station and Clapham Junction station only.*

*Following the urgent safety advice, arrangements were made for all emergency speed restriction notices to be published within the late notice case at all Driver depots.*

*Further to this, a working group was set up involving key operational staff including H&S representatives and Route Controllers. The purpose was to review the implementation, practicality and effectiveness of the instruction. Key feedback received was as follows:*

- *There were too many ESR's published within the Late Notice Case which could result in an overload of information*
- *The most Important information documented on the notice was not easily identifiable*
- *Depots were being notified of emergency speed restrictions for routes in which the Drivers did not sign.*

*As a result of this feedback, SWR made two key changes:*

- *The speed and line of route information is now a bigger font and the writing is in bold*



- *Only emergency speed restrictions applicable to the routes signed by the Drivers at each depot are posted within each late notice case.*

*A Risk assessment was carried out on 11th February 2020 to further review Drivers prior awareness of emergency speed restriction information. The output of this risk assessment has highlighted areas where further improvements should be considered, most notably to further improve the readability of the emergency speed restriction information, (particularly given the high number of emergency speeds restrictions implemented on the Wessex route). The suggestion is to trial an A4 table format template with the most recent restrictions listed at the top and in a bold font.*

*It is also worth noting that SWR are implementing the publication of emergency speed restriction information on the Connected Drivers advisory system (C-DAS), whilst the use of this technology is optional for a driver and is at an early stage of implementation/integration, it will provide a means of communicating ESR information to Drivers within the Driving cab environment at an appropriate time which is likely to further reduce the likelihood of Drivers forgetting key safety information.*

22) Transpennine Express provided the following response on 13 March 2020:

*TPE have carried out a review and has a process whereby advice notices from the network operator are received into the TOC control, we have a control standard as part of our SMS that describes this process. These notices are then sorted by applicable train crew depot then distributed by fax/ direct print to the applicable train crew depot locations where they are displayed via a "Late Notice Case" and traincrew receive booking on time allowances to read and digest this information. These arrangements are subject to our internal audit process. Further TPE have the ability to divert each individual through the booking on process to manually be advised of such notices if the need arises.*

*However, having carried out the review TPE is are now in the process of implementing or considering improvements to this processes to further minimise the risk of drivers not receiving emergency speed restrictions these include: A revision of the TPE standard to ensure that roles and responsibilities are described in more detail, the issue of electronic tablets to individual drivers with the ability to display ESR's, the placement of electronic screens in signing on points which will display such safety critical information.*

23) Transport for Wales Rail Services provided the following response on 15 April 2020:

*Following internal investigation into the process at TfWRS; we were able to ascertain the following high-level information:*

*TfWRS Control Centre receives all EROS notices issued by the Wales Route, Western Route, LNW(N) & LNW(S). TfWRS applicable EROS notices for issuing out*

*are document controlled and logged via a unique reference number, date and name of DCM issuing. Information is sent out on a TfWRS template which includes depot acknowledgement requirements. These notices are also document controlled and stored electronically, with each relevant location confirming acknowledgement of notice being issued. When an EROS Removed notice is received from NR, a similar process to above is undertaken with regards to issuing, acknowledgement and recording.*

*Traincrew depots receive the EROS notice, confirm acknowledgement, and place notices into late notice cases by resource managers. Local records are kept of notice serial numbers and archives. For depots unmanned by resource staff, the notices are received and placed in late notice cases by a nominated member of staff (Usually stations function, some local variations in place where this isn't practicable). The local driver management function for those locations then check the late notice case contents are correct (Sometimes daily, but more often than not during routine depot checks).*

*Driver knowledge of an EROS is checked on practical assessments if one is present on the route. OTDR Assessments are checked for EROS being reflected in a reduction of train speed where required.*

*TfWRS recognise that while the current process in place generally appears to 'work', this is a good opportunity to review what we do, update, formalise and publish a company procedure to demonstrate that we have reviewed recommendations from the RAIB report and have improved our working practices to suit going forwards.*

*I believe this shows the measures we have in place to be effective. Our efforts will now be on continuous improvement.*

24) West Midlands Trains provided the following response on 13 May 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter, and support the issues that they have raised in their response to you.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from*

*first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Our processes for pre-warning include the use of publishing ESR information when it is received via the late notice case that the driver is required to read when starting work. The latter part of the recommendation (in relation to a driver's response to an ESR) is something we believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out below addresses clause (b) above, inasmuch that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

25) Colas Rail Ltd provided the following response on 26 February 2020:

*Colas Rail drivers are made aware of all emergency speed restrictions immediately Network Rail announce that an emergency speed restriction has been implemented and its location on the rail network. The Colas Rail Operations Control Centres send out emergency speed restriction notices to all drivers via e-mail to make them aware of the speed restrictions. Drivers receive these communications via their Colas Rail issued Smart phones or I-pads allowing them to be informed in a timely manner of any speed restrictions placed on the railway.*

*When the incident at Sandy South Junction was initially announced, The Colas Rail Head of Operations and Standards ensured that an Operating Notice (RS/ON/159) was issued to all drivers announcing salient details of the incident for driver information.*

26) Devon and Cornwall Railways Ltd provided the following response on 6 April 2020:

*DC Rail has reviewed the RIAB report into the Sandy Overspeed incident. The Head of Operations initiated a review of processes identified in Recommendation 1 which included information flow, timely communication and assurance processes that are involved with distribution of ESR information. The former Head of Operations had also previously confirmed our processes verbally to Patrick Talbot shortly after the incident.*

*DCRail have always published ESRs to relevant staff irrespective of the change of Rule Book requirement. DCRail further enhanced its publication of advised ESRs by issuing a summary table to all drivers every 12 hours during our normal operating week this addition was introduced in July 2019. Drivers therefore have the opportunity much like Weekly Operating Notices to refer to a complete list of applicable speed restrictions when preparing for duty. This effectively reduces the risk of a “new previously unknown” ESR being confined to drivers who are already on duty when it is introduced.*

*Additionally, DC Rail has implemented a set of questions that each Driver are asked by Control when they book on for each duty. The Control Booking on Statement includes asking Drivers to confirm that they were in receipt of all relevant publications necessary and had received the latest ESR listing from Control. The statement includes the following:*

***As you are booking on duty can you please confirm the following statements are accurate and true***

***ONLY If the below are all confirmed as correct input booking on time***

- You feel ok, well rested and fit for work*
- You are not under the influence of alcohol or any drugs*
- You are in possession of your Uniform and PPE Including Glasses or Hearing Aids and any prescribed medication if applicable*
- You have seen and understand your booked days working, have seen your planned trains schedule and are happy with the routing / depots*
- You have read and understood the latest WON/PONs on the DMS*
- You have received and understand the latest ESR/TSR database sent out (Drivers Only)*

*DC Rail having reviewed the report in full and cognisant of recommendation 1 believe that it has taken all reasonable steps to ensure that its Drivers are aware of any ESR published prior to taking on a duty. DC Rail will of course participate in any future industry wide scheme that might improve notification and awareness etc in so far as any changes are compatible with the companies SMS, notwithstanding the above and where appropriate, changes may be made as part of any future risk assessment.*

27) Direct Rail Services Ltd provided the following response on 28 February 2020:

***Full details of action taken***

*1. Introduction of Emergency Speed Restriction (ESR) advice direct from the DRS Control team to every DRS Train driver via email. Upon receipt from Network Rail of any ESR introduction, DRS Control forward via email this advice to each DRS Train driver via a personal DRS email account.*

*2. Hard copies of any ESRs applicable to the line of route for all DRS nuclear transits placed within the documentation packs handed to Train Crew prior to departure from Sellafield.*

**Full details of further measures that DRS propose to take**

1. Issue a weekly summary of all active ESRs to every DRS Train driver. The summary to reflect any withdrawals of ESRs and provide a summary reference to any DRS Train driver returning after a period of absence. (Target date: 30 April 2020.)

2. Consider reinstating late notice cases to include advice of ESRs over core routes applicable to the depot concerned. Proposal being DRS Operations & Standards Manager to review ESRs received and forward relevant notification to each DRS Train driver with requisite route knowledge and DRS Operations Managers. DRS Operations Managers to ensure prompt posting of ESR advice into notice cases at all depots for which they are responsible. (Target date: 30 April 2020.)

3. Develop and implement a process to provide communication advice of relevant ESR details to DRS Train drivers prior to departure over routes that are not regular traffic flows. (e.g. Charter train services.) (Target date: 30 June 2020)

The above follows a thorough review of arrangements concerning ESR notification involving Operations Standards & Training, Operations Delivery and Control Room senior management teams supported by HSEQ.

28) DB Cargo Ltd provided the following response on 5 February 2020:

*DB Cargo UK Limited acknowledge your letter dated 6 January 2020; and in particular your request for DB Cargo UK Limited as a FOC to take the three points highlighted into consideration.*

*Whilst DB Cargo UK Limited have not experienced any issues since 2008, in relation to drivers prior awareness of emergency speed restrictions, we are continuously reviewing our practices and highlighting any change in circumstance that may affect things with drivers. DB Cargo UK Limited also recognise and would highlight the personal responsibility the driver holds in diligently undertaken their role in their capacity as a professional driver, something we continually remind our drivers off.*

*DB Cargo UK Limited will undertake the following reviews in light of the RAIB report into the overspeed at Sandy South Junction, Bedfordshire – 19 October 2018:*

- We will undertake a full review of our Risk Assessment documentation. This will incorporate a review on utilisation on current technology provisions available.*
- We will conduct a full review to clarify all its drivers have the relevant notifications of any emergency speed restrictions prior to them starting their journeys.*
- We will reinforce to its drivers the necessity to remain focused at all times and not become distracted; by not paying full attention to the line; this will also include reaffirming the absolute requirement in notifying the company of any underlying medical issues as per our internal policies.*

- *We will continue to work with industry partners (through Rail Freight Operators Group [RFOG] and National Freight Safety Group [NFSG] exploring means of technology to encourage a consistent approach across the industry is considered. This will include assessment of berth triggered GSMR text which the driver could acknowledge. It would not specify speed or location but would merely state ESR AHEAD on the approach to the first ESR AWS warning but a suitable distance away from it not to affect the response to the lineside signage.*

29) Freightliner Group provided the following response on 19 March 2020:

*We have been in discussion with the RDG, who also were provided with the report and the ORR's letter, and support the issues that they have raised in their response to you. I have also been in discussion with the Principal Inspector in regards to this issue.*

*Recommendation one considers a review of administration processes and recommendation two considers improved pre-warning of drivers. We believe it would be better to have a systematic review of the way we manage emergency speed restrictions, especially high-risk ones where the speed is reduced by a large margin, such as in the case of Sandy South. We remain concerned with the apparent reliance being placed by RAIB on the secondary risk control of providing notification of emergency speed restrictions in the late notice case.*

*The report recommendations propose that additional controls are considered in relation to administrative systems (Rec 1) and early warning systems (Rec 2) for ESRs. This approach encourages industry to add in layers of protection, but would a better outcome be achieved through a systems risk assessment of the whole ESR process? There is a risk that industry can add in additional controls without using this incident as an opportunity to consider the effectiveness of the ESR process from first principles. Therefore, given the seriousness of this incident, we believe the control of Emergency Speed Restrictions needs to be reviewed on a more fundamental and holistic basis. We would welcome an opportunity to work with RAIB, RSSB and other industry stakeholders on this.*

*We support the RDG's Request for Help submitted to the RSSB, the outcome of which is for the RSSB to formally review the controls to manage the risk of imposing ESRs which includes a quantification of the current controls and consideration of additional controls that might be required, especially where the ESR requires a large line-speed reduction.*

*We have reviewed our processes for how drivers are pre-warned of Emergency Speed Restrictions (ESRs), but it needs to be recognised that the infrastructure manager plays a key role in the prior warning of drivers to ESRs where drivers may have booked on post implementation of the ESR. Our processes for pre-warning include the use of post of advice IPAD messaging system and in some circumstances will be enhanced by SMS messaging. The latter part of the recommendation (in relation to a driver's response to an ESR) is something we*

*believe needs to be considered as part of a holistic review of the ESR process. On that basis, what is set out below addresses clause (b) above, inasmuch that our outlined approach supports the RDG's Request for Help and subsequent RSSB activity, of which we cannot provide a timescale against.*

30) GB Railfreight provided the following response on 23 March 2020:

*The intent of the recommendation was to minimise the risk of drivers being unaware that they are approaching a section of track where an emergency speed restriction is in force.*

*To date there have been no reported incidents of GB Railfreight services being in contravention of ESR indicated speeds. GB Railfreight relies on the adequate signage and professionalism of the Train Manager (driver) to respond to the lineside signage and cab equipment indications (e.g. AWS).*

*This can be further mitigated by remote access to the locomotive, which allows remote access downloads as they happen alongside forward-facing CCTV. The related safety advice will also be included in train crew briefings going forward.*

*Emergency Speed Restriction Notifications are uploaded to the relevant part of our Railsmart Documents system, by NR route, so they are available to Train Managers (our name for Drivers) who drive in that route, also:*

- *we run at lower train speeds, giving the driver more time to react to the warnings*
- *Our drivers are properly trained in the action to be taken,*
- *Our drivers are also trained and assessed in Situational Awareness and Risk Triggered Commentary*
- *Our mobile technology policy does not allow drivers to view emails / document control systems whilst carrying out safety critical duty so any restriction imposed after signing on duty potentially six hours before, will not be received.*

*GBRf has concerns though and this is three-fold:*

- *Is this really a risk that warrants such a recommendation in the report? At the end of the day, this was pure and simple a single driver concentration issue.*
- *What about a restriction that is imposed after a driver signs on duty. In ours and LNER's case that could be 6 to 10 hours before. On this basis we will have to propose to stop and caution every train until they are certain there is not going to be a driver approaching an ESR without seeing the notice. To mitigate that we will require a Signaller to advise every train for the first six hours or so after imposition with the*

*subsequent train delays and associated risks of more adverse signals being encountered.*

*GBRF will continue to upload all digital operational notices and publications including WON's to our staff's company issued iPads, this gives them full visibility of ALL published alterations or amendments.*

31) Additional information received from RSSB on 24 June 2020 setting out actions being taken to address recommendation 5:

**1. Process improvements compared to 2008 and legislative changes:**

*It should be noted that RAIB's report already acknowledges the actions reported as already taken or in progress under paragraph 100 of the report. It states: "RSSB reports that its process for making decisions on proposed changes to the rule book now includes more robust analysis, based around recognised principles such as the Common Safety Method on Risk Evaluation and Assessment, and Taking Safe Decisions. It believes that the use of these tools means that it has a better understanding of risk management, compared to 2008, and the basis on which a decision is made would now be explicitly recorded. It points to the recent change in which emergency special working (ESW) was introduced as an alternative to temporary block working."*

**2. Standards committee member inductions and briefings:**

*The Standards Committees for the past few years receive regular briefings as well as inductions which cover obligations under the Code and the Manual, specifically the decision taking principles which include meeting the essential requirements and safeguarding the best long-term interests of the railway.*

**3. Better analysis and documents to support committee decision making:**

*RSSB has from April 2020 onwards (post approval from the RSSB Board) implemented a new Business Case for Change (BCfC) document which now explicitly require identification of impacts in the seven categories which include Legal Compliance as well as Health, Safety and Security; and Reliability and Operational Performance. This will ensure that appropriate focus in any discussion and scrutiny associated with standards changes.*

**4. Clear industry agreed follow-on actions for RSSB once a standard is changed:**

*The BCfC approach also includes two sections (which did not exist in 2007/8) on "8. How will the industry implement the change?" and "9. How will RSSB assess whether the change is achieving the objectives?". These sections are meant to agree follow-on actions for RSSB associated with a change to a standard. These include checking with the industry after 12 months of publication and a pro-active review 60 months thereafter as required by the governance. However, it relies on the industry raising concerns as RSSB do not manage the railway and have no statutory obligations or powers to compel the sector to provide this feedback. RSSB or the committees do not have a monitoring role in legislation or in the governance, especially for withdrawn standards or requirements that RSSB no longer manages.*



*Monitoring ongoing compliance with SMS of the railway resides with the ORR as the regulator, while ensuring safe operations and monitoring emerging risk including the effectiveness of existing risk controls lie with the relevant transport operator under ROGS and CSM on Monitoring obligations.*

**5. Plan to reinforce analytical lessons from 2008 which are pertinent today:**

*It is essential to learn and reinforce analytical lessons from 2008 which are equally applicable today. As part of our own review we have highlighted a need to reinforce the guidance related to withdrawn of requirements especially those which can be considered secondary controls. Withdrawal of a requirement only means that it is no longer considered suitable for central management via RSSB at an industry level. It does not mean that the hazard or risk has disappeared. This is especially true in cases where a rule may be linked to a control that may have some residual benefits and it cannot be proved explicitly (due to lack of data) that it is completely ineffectual in all circumstances for all operators. Evidence can only show that:*

- A. There is no basis to link its effectiveness or lack of, with any incidents;*
- B. It is not the primary control associated with the risk; and*
- C. There is good evidence to suggest that the primary control is robust and effective.*

*All three conditions were fulfilled by the supporting analysis given to the SC in this case. RSSB cannot make any claims around sufficiency of the primary control in terms of controlling the risk to an acceptable level. Whether to do anything additional or not is down to each operator to judge and is driven by what the operator considers a reasonably practicable response. This is an essential and critical separation of standards and legislative obligations other these obligations get transferred to RSSB and associated committees which is inconsistent with the law. Therefore, withdrawal of a requirement in these circumstances only means:*

- 1. The industry does not believe that a standardised approach across the network is necessary or particularly beneficial, and there is a natural variability in application due to local operational conditions, costs or performance implications.*
- 2. Each transport operator has to decide (based on a suitable and sufficient risk assessment) on how to manage any hazard and associated risk (linked to the requirement) by continuing to adopt the withdrawn requirement; do more than the withdrawn requirement; or do something different.*

*The RAIB report in paragraph 93 acknowledges that this is what happened in this instance.*

*“93 The removal of this requirement from the rule book permitted operators to cease advising drivers of emergency speed restrictions, but did not prohibit them from doing so. Consequently, most, but not all, passenger train operating companies chose to continue notifying drivers of emergency speed restrictions, when they received notice from Network Rail, in line with this guidance.”*

*Therefore, we propose to re-brief the committees over the course of 2020/2021 on the separation of the legal obligations and standards; what a withdrawal of a*

*requirement means; and the analytical considerations where a withdrawn requirement is linked to a secondary control and benefits or disbenefits may be difficult to quantify.*