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7 April 2016

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

Dear Andrew,

RAIB Report: Near miss involving track workers near Hest Bank, Lancashire, 22 September 2014

I write to report¹ on the consideration given and action taken in respect of recommendations 1 and 2 addressed to ORR in the above report, published on 16 July 2015.

The annex to this letter provides details in respect of each recommendation. The status of both recommendations is '**Implementation on-going**'. 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 by 8 April 2016.

Yours sincerely,

Oliver Stewart

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

Initial consideration by ORR

1. All three recommendations from the report were addressed to ORR when the report was published on 16 July 2015.
2. After considering the report and recommendations ORR passed both the recommendations to Network Rail asking them to consider and where appropriate act upon them and advise ORR of their conclusions. The consideration given to each recommendation is included below.

Recommendation 1

The intent of this recommendation is to promote a review of working time limits that is consistent with current human factors research.

Network Rail should reassess the working time limits and duration of breaks applicable to lookouts and provide staff with appropriately updated instructions and guidance based on these findings. This reassessment should make use of current research into vigilance activities akin to railway lookout duties.

ORR Decision

3. ORR is content with the measures Network Rail is taking to address the risk identified by this recommendation, although we have made clear we think the work could be completed sooner than June 2016.
4. ORR consider that lookout arrangements should be based on sound risk assessment with the two hour shift being the maximum. Local and personnel factors might make a shorter lookout period appropriate in some circumstances.
5. After reviewing all the information received from Network Rail, ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
 - taken the recommendation into consideration; and
 - is taking action to implement it by 30 June 2016.

Status: *Implementation on-going.* ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

6. Network Rail wrote to ORR on 17 December 2015 stating:

Human factors research paper, 'The Role of the Lookout: the implications of research on vigilance' prepared by Emma Lowe for Network Rail in 2011 recommended that a break after two hours continuous duties should be given whilst undertaking lookout duties. In 2015, the report was reviewed and the two hour limit was considered to still be relevant (based on research into soldiers on sentry duty and air traffic controllers as comparable roles).

Guidance on applying the two hour rule was included into the Lookout eLearning, to be undertaken by all lookouts from July 2014, and has been included in initial lookout training.

The two hour rule for lookouts on LNE was mandated by the LNE Route Management team in 2014, and a paper proposing to extend this mandate nationally was agreed by Trackworker Safety Group in May 2015 and by Network Rail Route Managing Directors in November 2015. A letter of Instruction to the standard for The Safety of People Working on or Near the Line NR/L2/OHS/019.

Details of the new rule will be cascaded to the industry, in particular to those responsible for planning and resourcing work to be fully mandated and implemented by the end of June 2016.

Recommendation 2

The intent of this recommendation is to ensure that LOWS is appropriately positioned within the safe system of work hierarchy, taking account of engineered solutions available to mitigate the risk of a single point of failure due to complete reliance on the action of one lookout.

Network Rail should reassess the safe system of work hierarchy, taking account of evidence from LOWS related incidents and the risk associated with using unassisted (flag) lookouts. If justified by the results of current tests of Semi-Automatic Track Warning Systems, where workforce warnings are initiated using automatic train detection, Network Rail should include such equipment within the hierarchy. If appropriate, Network Rail should specify any circumstances in which this should be used in preference to LOWS

ORR Decision

7. The response from Network Rail is reasonable, in that the safe working methods hierarchy has been reassessed and the relative merits of Semi-Automatic Train Warning System (SATWS) are planned to be briefed to staff by the end of March 2016. However, we are disappointed that the introduction of SATWS and other available systems, is taking longer than desirable.

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

- taken the recommendation into consideration; and
- is taking action to implement it by 31 January 2017.

Status: *Implementation on-going.* ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

9. Network Rail wrote to ORR on 17 December 2015 stating:

The Safe System of work hierarchy has been assessed to identify the correct positioning of SATWAs within the existing hierarchy. SATWAs will be enabled within the hierarchy by issue of a Letter of Instruction to NR/L2/OHS/019 standards before the end of March 2016, subject to approval by the Standards Steering Group.

A detailed reassessment of the hierarchy, taking into account LOWS and unassisted lookout incidents is taking place as part of the Safer Tracksides working programme and the Track Access Strategy. This includes the development of a risk based tool that positions each safe system of work within the hierarchy based on the risks identified, such as single point failure and human error. They will be appropriately placed in the hierarchy with the development of the tool.

Routes will then be enabled to select SATWAs based on assessment of all other available warning and protection systems available at that location, including higher integrity systems currently being developed by the Safer Tracksides Working Programme.

A deployment specification tool will be developed to identify where SATWAs deployment is appropriate, this will indicate where it should be deployed in preference to LOW's, will be risk based and will include a benefits analysis based on the availability of higher integrity systems.

Workshops to design the new hierarchy started with subject matter experts in October 2015, with the finalised design scheduled to be developed from January 2016, subject to consultation and feedback. The tool will be ready to use for optioning which system to deploy from January 2017.