

Chris O'Doherty
RAIB Relationship and Recommendation Handling
Manager

Telephone: 0845 301 3356
email: chris.o'doherty@orr.gsi.gov.uk



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

Dear Carolyn

Collision between train 1C84 and a tree at Lavington, Wiltshire

On 2 December 2011 I wrote and informed you that recommendations 3 and 4 of the above report had been implemented and that recommendations 1 and 2 were in the process of being implemented, we committed to providing an update on recommendations 1 and 2.

I now write to report on the further consideration and action taken in respect of recommendations 1 and 2 where both recommendations have now been implemented¹.

We do not propose to take any further action in relation to these recommendations unless we become aware of an inaccuracy in what we have reported to you in which case we will write to you again.

Yours Sincerely

Chris O'Doherty



INVESTOR IN PEOPLE

Head Office: One Kemble Street, London WC2B 4AN T: 020 7282 2000 F: 020 7282 2040 www.rail-reg.gov.uk

¹ Regulation 12(2)(b)(i)

Recommendation 1

The purpose of this recommendation is for Network Rail to be able to identify third party land upon which trees present the greatest risk to the railway

Network Rail should review and enhance its processes for gathering intelligence about neighbouring land where there may be a higher risk of tree fall affecting the railway. This might be achieved by modifying the remit for the national tree survey, before this is repeated, and/or by providing suitable guidance to local off-track teams.

Brief Summary on what was previously reported to RAIB on 1 April 2011

1. Network Rail in its response of 21 June 2011 advised ORR that:

Network Rail will conduct a review of the effectiveness of its current process detailed within NR/L2/TRK/5201 'Management of Lineside Vegetation' regarding the ability to gather intelligence about neighbouring land from within the railway boundary where there may be a higher risk of tree fall affecting the railway (e.g. dense woodland, tall trees).

The review will also consider whether there are any reasonably practicable improvements that could be made to the process itself, or the way in which activities are conducted, to further improve intelligence in this area.

In addition, Network Rail is currently evaluating the development of rail borne and aerial technologies e.g. LiDAR (Light Detection & Ranging). These innovations are under trial and if practicable will provide additional management information to supplement frontline inspection. Initial trials will provide data in July 2011 with subsequent analysis and business case evaluation required before further development.

The management of this work-stream is being considered within the Network Rail innovation process and does not require additional resource or funding beyond that currently agreed.

Network Rail will review the National Tree Survey technical specification to understand the potential accommodation of this requirement going forward, taking due recognition of the findings from the National Tree Survey 'post completion review' and the outputs from the review detailed above.

Current timescale for this review is August 2011 and it will be addressed within the 'business as usual' process.

Timescale: 31 March 2012

Update

2. ORR wrote to Network Rail on 27 October 2011 with the following questions:

- The response states that Network Rail will do a review, but does not commit to enhance its processes for gathering intelligence about neighbouring land where they may be a risk of tree fall affecting the railway.
- Network Rail advised that it would have completed its review in August 2011, as this date has passed we would welcome sight of

the outcomes of the review including reasoning, conclusions and any actions to be taken (including timescales).

- With regard to Network Rail's timescale of 31 March 2012 would we be correct in assuming that any actions identified from the review is expected to be completed by this date?

3. Network Rail in its response on 10 November 2011 advised ORR that:

Network Rail has looked at the process by which it notifies its neighbours on the occasions when, as part of its normal routine activities, it identifies a tree of concern on their side of the fence. As a result, the 'Management of Lineside Vegetation' standard, (NR/L2/TRK/5201) is being updated to further reinforce this requirement.

A working group has been established, initial drafting has been completed and progress is being monitored through the Track Standards Steering Group. It is due for publication March 2012.

Prior to this publication, the process is being made available for use and it has been placed onto the Network Rail Portal for local download.

On 1st November 2011 the Senior Technology Engineer (Lineside) sent out a briefing to Asset Management Lineside Engineers and frontline Maintenance Staff including off track staff as well as Maintenance Protection Coordinators, to advise them of this requirement.

Network Rail provided ORR with a copy of its briefing titled: 'The Risk from Trees in close proximity to the Railway'.

Please note; it was originally envisaged that this communication would have been via the issue of a Letter of Instruction (LOI) however, it was deemed to be an inappropriate mechanism for the communication of this requirement.

As regards other actions identified from the review, you are correct in assuming that they are expected to be completed by 31 March 2012.

4. ORR wrote to Network Rail on 5 December 2011 stating that the response did not actually address recommendation 1 and that Network Rail provided a similar response in to recommendation 2 on 14 November 2011. ORR therefore requested a full response for the recommendation(s). Network Rail in its response on 9 May 2012 provided ORR with a copy of its 'RAIB Investigation Recommendation Closure Statement dated 30 April 2012:

Network Rail has as a part of a wider review of standard NR/L2/TRK5201 'Management of Line-side vegetation' has considered the process by which risks, posed by trees, associated with third party land adjacent to the operational railway are managed. This review has focused on inspection, assessment and, if appropriate, subsequent notification and management.

In undertaking the review process improvements have been made, specifically in the provision of guidance to local off-track teams, and these incorporated into a revision of the NR/L2/TRK/5201 (issue 4) for publication in June 2012.

Specifically the following actions have been taken:

- *Trees not on Network Rail property, and there associated potential risk, are specifically addressed within NR/L2/TRK/5201 (issue 4).*

- *Third party owner notification process has been improved from a single paragraph reference in NR/L2/TRK/5201 (issue 3), within a generic clause, to a specific clause within issue 4 containing a flow chart and a text description within an appendix to the standard.*
- *The notification process has been developed in consultation with Network Rail Legal Services, Maintenance, Operations and Government & Corporate Affairs*

NR/L2/TRK/5201 (issue 4) will be briefed to Section Managers [off-track] and infrastructure Maintenance Protection Co-ordinators (amongst others) at the Lineside 6 Conference, 23 May 2012, in advance of publication. Use of this mandated communication process will be monitored during routine auditing and verification activities.

Current Risk Mitigation

It should be noted that the original intent that the revised NR/L2/TRK/5201 (issue 4) standard was to have been published in March 2012. In January 2012, at the request of the Track Standards Steering Group, publication was deferred to June 2012; a further review of current non-compliance and the financial business case was requested by the Group.

However, in mitigating current risk, the Third Party Owner Notification Process has separately made available for use. The guidance includes:

- *Risk from Trees Fact Sheet (v1.0)*
- *Third Party hazardous tree notification process*
- *THREATS-NRP [Tree risk evaluation & control by non-arboriculturist railway personnel]*

Network Rail provided ORR with a copy of these documents.

The process has been separately briefed to Off Track Section Managers, Maintenance Protection Coordinators and Lineside Engineers. The process has been available since October 2011.

National Tree Survey

A requirement of the RAIB recommendation was to consider the modification of the remit for the national tree survey. Network Rail has considered this suggestion and established that the requirement is already mandated within the remit, although this recognises the limitations of the legal constraint by which Network Rail is bound.

Conclusion

Network Rail considers that having undertaken a review of its current processes for gathering intelligence about neighbouring land where there may be a higher risk of tree fall affecting the railway and by making available improved guidance the intent of the recommendation has been met.

The revised NR/L2/TRK/5201 'Management of lineside vegetation in June 2012 will further reinforce this requirement.

ORR Decision

5. ORR has therefore concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

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

ORR will write to RAIB again if it becomes aware that the information above is inaccurate.

Status: *Implemented*

Recommendation 2

The purpose of this recommendation is for Network Rail to raise the awareness of its neighbours to the risk their trees may present to the operational railway.

Network Rail should develop and implement a plan, or adapt and enhance existing plans, to communicate with those of its neighbours whose land is considered to present a high risk of tree fall affecting the railway.

The objective should be to inform them about their responsibilities and the threat their trees may present to the railway.

Summary of what was previously reported

6. Network Rail in its response of 21 June 2011 advised ORR that:
- Guidance to be produced on the responsibilities of landowners and the potential risks that trees can present to the operational railway, for inclusion in the 'Managing vegetation' section of Network Rail's external website. An A4 printable version to be produced so that it can be used by the Routes when communicating with neighbours.*
 - Letter of Instruction (LOI) to be issued September 2011 for the inclusion of the requirement that a copy of the A4 leaflet referred to in a) above should be sent to those neighbours whose vegetation could present the highest potential risk to the operational railway (e.g. those identified as potentially hazardous). Standard NR/L2/TRK/5201 ('Management of Lineside Vegetation') will be updated at the next available opportunity in March 2012.*

Timescale: a) 30 September 2011

b) 30 September 2011 (LOI) and 31 March 2012 (Standard)

Update

7. Network Rail in its update response on 14 November 2011 advised ORR that:
A fact sheet was produced as a result of Network Rail's previous response 2(a) was loaded onto Network Rail's corporate website on 10 October 2011.

Network Rail provided ORR with a copy of its briefing titled: *'The Risk from Trees in close proximity to the Railway'*.

As regard recommendation 2B: This is not due to complete until 31 March 2012 and is being progressed.

It should be noted that a Letter of Instruction (LOI) has been deemed an inappropriate mechanism for the communication of this requirement. Instead it will be

referenced within the revised standard NR/L2/TRK/5201 'Management of Lineside Vegetation'.

In the meantime it has been communicated to both Asset Management Lineside Engineers as well as frontline maintenance staff including off track staff as well as Maintenance Protection Coordinators (1 November 2011).

8. Network Rail in its response on 9 May 2012 provided ORR with a copy of its 'RAIB Investigation Recommendation Closure Statement dated 24 April 2012:

In addressing part (a) of the recommendation Network Rail has produced a guidance note produced and available on the external website and Network Rail portal since July 2011.

In subsequently addressing part (b) the guidance note has been included within template letters produced as part of the Third Party Owner Notification Process; developed and addressed within Network Rail's response to recommendation 1. This is also included in the production of NR/L3/TRK/003/TEF3244 for publication in June 2012 as part of the wider revision of standard NR/L3/TRK/5201 Management of lineside vegetation.

NR/L2/TRK/5201 (issue 4) and NR/L3/TRK/003/TEF3244 will be briefed to Section Managers [Off Track] and Infrastructure Protection Coordinators (amongst others) at the Lineside 6 conference, 23 May 2012, in advance of publication. A wider cascade brief will be undertaken as part of the Track Standard Quarterly Brief being held on 17 May 2012.

Conclusion

Network Rail Considers that having incorporated the management approach for communicating with its neighbours, whose land is considered to present a high risk of tree fall affecting the railway, within the revision of standard NR/L2/TRK/5201 'Management of lineside vegetation (issue 4)' the intent of the recommendation has been met.

ORR Decision

8. ORR has therefore concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:

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

ORR will write to RAIB again if it becomes aware that the information above is inaccurate.

Status: *Implemented*