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6 July 2016

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

Dear Andrew,

**RAIB Report: Investigation into irregularities with protection arrangements during infrastructure engineering work**

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 20 August 2015.

The annex to this letter provides details of the consideration given/action taken in respect of these recommendations. The status of recommendations 1 and 2 is '**Insufficient response**'. ORR will advise RAIB when further information is available regarding actions being taken to fully address these recommendations.

We will publish this response on the ORR website on 8 July 2016.

Yours sincerely,

**Tracy Phillips**

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

## Initial consideration by ORR

### Initial consideration by ORR

1. Both recommendations were addressed to ORR when the report was published on 20 August 2015.
2. After considering the recommendations ORR passed both recommendations to Network Rail asking it to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.

#### Recommendation 1

*The intent of this recommendation is that Network Rail should implement its post-implementation review in such a way as to monitor and assess the impact of its planning and delivering safe work initiative.*

Network Rail should ensure that its post-implementation review of the planning and delivering safe work initiative includes the collection of information on events that are indicative of irregular working during infrastructure engineering work. It should then review this information to verify that the initiative has yielded the benefits intended and, if not, to identify and implement measures to remedy this.

#### Recommendation 2

*The intent of this recommendation is that Network Rail should reduce the risk of engineering protection irregularities associated with railway roles that are not currently being considered as part of the planning and delivering safe work initiative.*

Network Rail should develop an action plan to reduce the risk of irregular application of engineering protection arrangements by railway roles that are outside the scope of the current planning and delivering safe work initiative (for instance signallers, persons in charge of the possession and electrical control operators). As a minimum, consideration should be given to ways of reducing the likelihood of:

- protection being set up when lines are open to traffic;
- errors when arranging for work to be carried out on or near electrical traction supply equipment;
- the signalling of trains into protected areas; and
- irregularities involving the operation of level crossings within protected areas.

#### ORR decision

3. ORR wrote to Network Rail on 29 September 2015 requesting that it provide details of its response to both recommendations by 10 November 2015.
4. No formal response to this request has been received to date, which is why the status of these recommendations is being reported as having had an 'insufficient response'. However, having escalated the issue within Network Rail, the most

recent update received by ORR (31 May 2016) clarified that internal meetings are being scheduled for June 2016 to enable Network Rail to reach an understanding on how it will respond not only to these recommendations, but also in respect of other track worker safety RAIB recommendations currently linked to the PDSW initiative. RAIB should therefore note that previous timescales and commitments for PDSW related recommendations may have to be revised. ORR will provide updates to RAIB on these as soon as it is able to do so.

5. As Network Rail has not provided a response to these recommendations, ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, it has:

- not taken the recommendations into consideration; and
- has not set out how or whether the recommendations will be addressed.

**Status: *Insufficient response*. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.**