

Chris O'Doherty
RAIB relationship and recommendation handling manager
Tel No: 020 7282 3752
Email: chris 'o'doherty@orr.gsi.gov.uk



15 February 2013

Carolyn Griffiths
Chief Inspector of Accidents
Cullen House
Berkshire Copse Road
Aldershot
Hampshire GU11 2HP

Dear Carolyn

RAIB report: Tamper driver struck by a train at Torworth level crossing

I write to report on the consideration given and action taken in relation to the recommendation from the above report published on 15 February 2012.

The annex to this letter provides detail of the consideration given and action being taken by Network Rail to address the recommendation. ORR regards this recommendation as in progress and we expect to update RAIB by 31 July 2013.

We expect to publish this response on the ORR website on 1 March 2013.

Yours Sincerely

Chris O'Doherty



Initial consideration by ORR

1. The recommendation contained in the report was addressed to ORR when RAIB published its report on 15 February 2012. After considering the report / recommendation, we passed the recommendation to Network Rail asking it to consider and where appropriate act upon it.
2. Details of the consideration given and any action taken, in respect of the recommendation is provided below

Recommendation 1

The purpose of Recommendation 1 is to bring about a sustainable change to how engineering train drivers, ground staff and on-track machine crews access work sites by implementing measures to support industry processes for providing them with a safety briefing.

Network Rail and its contractors who operate trains in engineering possessions should jointly review the means by which engineering train drivers and on-track machine crews (and associated ground staff) can best be provided with sufficient information relating to both railway and construction risk before walking to, or entering, a work site. This review should address:

- the validation, and incorporation in a suitable safety standard, of arrangements agreed between Network Rail and its haulage suppliers and contractors operating on-track machines, relating to the provision of a safety briefing before entering a work site;
- the preparation of explanatory briefing material and additional training on the procedures to be followed to obtain safety briefings;
- explicit consideration of the risks associated with access to site, including safety briefing issues, at an appropriate stage in the planning process for engineering activities; and
- the need for clarification or amendment of the relevant rules and procedures relating to walking to trains and on-track machines when these are in possessions and work sites.

The outcome of this review, and any appropriate additional measures identified, should then be implemented by Network Rail and a procedure put in place to monitor their effectiveness

Summary

3. Network Rail has met the intent of the recommendation by reviewing existing processes and specifically the four key points, the working group that carried out this review consisted of representatives of FOCs, On Track Machine/On Track Plant Operators Principal Contractors and the Office of Rail Regulation. Initial outcomes of the review have been implemented and further work on a strategy for assurance and monitoring activities will take place in 2013.

Actions taken or being taken to address the recommendation

4. In its initial response on 18 April 2012 Network Rail explained:

Since the incident a full investigation has been undertaken to review the ways in which train drivers and on-track machine staff access site. This has resulted in a trial improvement process underway since September 2011 on all track renewal sites.

The process advises all staff planned to access renewal sites of the contact location and phone numbers of those that will provide the site safety briefing. A process map and supporting documentation has been written to brief all freight haulier staff and on-track machine staff of these requirements. Task briefing sheets are used to convey the site details and briefing sheets are used to record signatures.

Ongoing audits and site checks are being undertaken to assess the success of the process and identify any amendments. To date, no areas of improvement have been identified.

In specific response to the RAIB recommendation, a review will be undertaken by a NDS Operations Liaison Group sub-group comprising Network Rail NDS, Investment Projects, Track Renewals, Network Operations (Maintenance), a Principal Contractor, 2 OTM operators and a freight operator. The review will consider the purpose and intent of the recommendation and devise an appropriate action plan for implementation. If required and appropriate, interim measures will be briefed, implemented and monitored for compliance.

The outputs of the review, will be included in the Functional Audit process along with a process to monitor the effectiveness of any appropriate processes.

5. ORR wrote to Network in May 2012 requesting further details and subsequently received the following plan.

Action details	Action Manager	Completion date
<i>1a) A sub group consisting of representatives from stakeholders are to meet to review the existing standard NR/L2/OHS/019 and make recommendations regarding proposed amendments or re briefing in order to communicate specific requirements;</i>	<i>Neil Roberts</i>	<i>31 October 2012</i>
<i>1b) An access/egress chart developed by the National Operations Safety Liaison Group to communicate controls (safety briefing) relating to train drivers, ground crews and OTM Operators accessing and egressing worksites has been issued to key stakeholders. The document needs to be formally issued, stored so as to be accessible</i>	<i>Neil Roberts</i>	<i>14 December 2012</i>

<p><i>to the intended audience/stakeholders, and appended to an appropriate standard (linked with point 1a above)</i></p>		
<p><i>2 a)NDS is to provide a brief to clients/customers (those within Network rail who raise work contracts relating to worksites) and planning and delivery teams on the risks associated with possessions/worksites and the requirement to provide accurate information relating to access/egress and safety related issues in line with the Construction (DESIGN AND Mnaagement) Regulations 2007 – referred to elsewhere in this document as CDM regs. Clients/customers are to extend the brief to their workforce.</i></p>	<p>Neil Roberts</p>	<p>28 September 2012</p>
<p><i>2b) NDS is to write to Principal Contractors(PCs), including Maintenance, who act on behalf of Network rail with regard to discharging the clients duties in line with CDM regs, emphasising the requirement to provide accurate information and safety briefings to others. Letter to instruct PCs to give guidance and instruction to key personnel with regard to</i></p> <ul style="list-style-type: none"> <i>a) Access/egress points</i> <i>b) Safety briefings for visitors and workforce</i> <i>c)safe movement of personnel and vehicles within a worksite</i> <p><i>PCs to confirm in writing that they have issued the guidance and instruction.</i></p>	<p>Neil Roberts</p>	<p>31 July 2012</p>
<p><i>3) NDS is to write to Freight Operating Companies (FOCs) and On Track Machine Operators (OTM) instructing those who have not already done so, to issue guidance and an instruction to their crews and operators regarding the level of information they should receive prior to entering a worksite (accurate information relating to access/egress and a safety briefing) and the requirement to report non compliances to AMCC. Crews and operators MUST not enter a worksite without having first received a safety brief. The letter will also point out the duty of train crews and OTM operators to comply with site rules and instructionsgiven as part of the safety brief. Hauliers to confirm in writing that they have</i></p>	<p>Neil Roberts</p>	<p>31 July 2012</p>

<i>issued the guidance and instruction.</i>		
<i>4) Existing rules and procedures relating to walking to trains and on track machines are deemed satisfactory. However more emphasis must be placed on the provision of information relating to safe access and egress and safety briefings. This is to be reviewed along with point 1a) as detailed above.</i>	<i>Neil Roberts</i>	<i>31 October 2012</i>

6. Network Rail provided the following additional information 19 December 2012

A cross industry working group was formed in January 2012 to review existing processes, documentation and briefing material relating to the access/egress of work sites. The group comprised of representatives from Network Rail, Freight Operating Companies (FOCs), OTM/OTP operators, Principal Contractors and the Office of Rail Regulation.

The working group developed a process chart, detailing the key stages relating to the provision of key information and safety briefings for train drivers/ground crew/OTM & OTP operators prior to accessing a worksite. The chart gives clear instruction and guidance with regard to action to take if a person does not receive the required level of information or safety briefing prior to entering a worksite.

The process chart was briefed to other working groups between February and September 2012, including; Track Safety Alliance, Supplier Safety Working Group (including the Possession Management SSWG) M&EE, Rail Freight Operators Group, and more recently (November 2012) to the Track Worker Safety Group (TWSG).

The process chart along with a summary of the Torworth incident and key responsibilities and expectations relating to the control of work sites in line with the CDM Regs 2007 was sent by Network Rail to representatives of Freight Operating Companies, OTM/OTP operators, Principal Contractors and Possession Management Companies, requesting that they confirm that the content had been briefed within their organisations. Confirmation was subsequently received.

The working group also reviewed the Network Rail Standard NR/L2/OHS/019 – Safety of People working on or near the line. The standard owner advised that the content was being reviewed by members of the TWSG (a cross industry group formed to focus on the safety of track workers and includes representation from ORR). Subsequently, the Torworth recommendation and supporting information (process chart, guidance and letter to stakeholders) was briefed to the TSWG. The TSWG has formed a sub group to build on the work carried out by the original working group and it will form the basis of a more general review of engineering work

site activities, including CDM compliance, shared access arrangements, size of worksite and associated roles and responsibilities. A strategy for assurance and monitoring activity during 2013 will be agreed. The TSWG sub group has its first meeting scheduled on 29 January 2013 and will include representatives from the original working and ORR.

The National Delivery Service has been leading the development of a Network Rail planner competence framework in order to help deliver a more considered and consistent approach to planning. The roles and responsibilities that planners have in relation to the allocation of accurate and up to date information have been documented within the framework

Developments have and are being made to Network Rail Online Logistics (NROL) software. Enhancements being developed include; work planners being able to upload maps/supporting documents relating to safety briefs and access/egress points, and changes to documentation being highlighted. The last point will assist with the communication of late changes to key information. The enhancements will form part of NROL3 – launch is anticipated July 2013

Developments have been made by Network Rail to the Safe System of Work Planning System (SSOWPS), including a more effective interface with the Sectional Appendix and Hazard Directory, it will also enable planners to enter ‘custom’ information relating to access and egress points and provide specific instructions on how individuals are to reach their place of work. The enhancements will form part of SSWOPS 2 launch is anticipated early 2013.

ORR decision

7. ORR in reviewing the received from Network Rail has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- taken action to implement first part of the recommendation.

The recommendation also states that a procedure for monitoring be put in place. ORR continues to work with the industry to agree a strategy for assurance and monitoring activity. Network Rail have indicated a target date of July 2013 to implement assurance activity to verify that the process improvements developed by the National Operations Safety Liaison Group and briefed to industry stakeholders are being followed and deemed effective.

Status: *In progress*: ORR will update RAIB by 31 August 2013 on monitoring activity