

Oliver Stewart
RAIB Recommendation Handling Manager



31 March 2025

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents

Dear Andy,

RAIB Report: Runaway wagon at Kineton, Warwickshire on 25 May 2023

I write to report¹ on the consideration given and action taken in respect of the recommendations addressed to ORR in the above report, published on 16 May 2024.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. RAIB addressed recommendations 1 & 2 directly to the Ministry of Defence. The status of recommendations 3, 4 & 5 is '**Closed**'.

We do not propose to take any further action in respect of the recommendations, unless we become aware that any of the information provided has become inaccurate, in which case I will write to you again.

We will publish this response on the ORR website.

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. Recommendations 3, 4 & 5 were addressed to ORR when the report was published on 16 May 2024. RAIB addressed recommendations 1 & 2 directly to the Ministry of Defence
2. After considering the recommendations ORR passed recommendation 3 to Kuehne + Nagel Ltd and recommendations 4 & 5 to DB Cargo asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.
3. ORR also brought recommendation 5 to the attention of ECMs as it was concluded that that there are equally important lessons for them. ORR did not ask these organisations to provide a reply.

Recommendation 1

The intent of this recommendation is to ensure that the Ministry of Defence is safely managing the risks involved with defence rail operations.

The Ministry of Defence should review the arrangements by which it conducts railway operations on behalf of the Secretary of State for Defence. This review should consider:

- i. If there is a full understanding of the extent and type of current defence rail operations, including interfaces with contractors and parties external to the Ministry of Defence, such as the mainline railway and the Office of Rail and Road.
- ii. If an appropriate organisation exists to safely manage the various elements involved in defence rail operations, including clear governance structures, roles and accountabilities and the safety assurance of relevant contractors (including appropriate escalation routes for contractors raising safety related matters).
- iii. If this organisation is correctly resourced with the Ministry of Defence and its contractors, with appropriately trained and competent staff occupying key roles.
- iv. If up-to-date and appropriate risk assessments are in place for all elements of defence rail operations, including the stabling of wagons on the sites where it is the infrastructure manager. These risk assessments should specifically consider the risks that defence rail operations can present to the public, Ministry of Defence staff, contractors, and the mainline railway.
- v. If an appropriate safety management system, operating rule book and other supporting technical standards are in place and if these documents include the appropriate control measures needed to address risk and good practice in other parts of the rail industry.
- vi. How safety related documents are made available to staff working for the Ministry of Defence and its contractors.

vii. How the Ministry of Defence takes account of appropriate safety learning from sources such as internal investigations and safety learning from the wider rail industry.

Following this review, the Ministry of Defence should develop a timebound plan to make any appropriate changes identified to working practices, processes and organisational structure

ORR decision

4. The recommendation was addressed to the Ministry of Defence (MOD). The recommendation is being handled by RAIB, as ORR does not have legal vires over the MOD as it is a government body.

Status: Other Public Body or Authority.

Recommendation 2

The intent of this recommendation is to ensure that there is a clear understanding of the regulatory arrangements applying to railways operated on behalf of the Secretary of State for Defence.

The Defence Safety Authority of the Ministry of Defence should agree the roles and responsibilities for safety regulation of defence operated railways with the Office of Rail and Road and any other relevant statutory safety regulators to ensure they are clearly defined.

Following this agreement, the parties involved should consider their respective regulatory strategies, ensuring that there are adequate resources in place to meet their regulatory obligations

ORR decision

5. The recommendation was addressed to the Ministry of Defence (MOD). The recommendation is being handled by RAIB, as ORR does not have legal vires over the MOD as it is a government body.

Status: Other Public Body or Authority.

Recommendation 3

The intent of this recommendation is to ensure that Kuehne+Nagel is managing the risks involved with its defence rail operation.

Kuehne+Nagel should review its delivery of railway operations on behalf of the Secretary of State for Defence. This review should consider:

i. If Kuehne+Nagel fully understands the extent and type of rail operations which it undertakes for the Ministry of Defence.

- ii. If an appropriate organisation exists to safely manage the various elements of defence rail operations for which Kuehne+Nagel is responsible, including clear governance structures, roles and accountabilities and safety assurance.
- iii. If this organisation is correctly resourced within Kuehne+Nagel with appropriately trained and competent staff occupying key roles.
- iv. If up-to-date and appropriate risk assessments are in place for all elements of Kuehne+Nagel's defence rail operations, including the stabling of wagons on sites where it is responsible for rail operations. These risk assessments should specifically consider the risks that its rail operations can present to the public, staff and the mainline railway.
- v. If an appropriate safety management system, operating rules and other supporting technical standards are in place and if these documents include the appropriate control measures needed to address risk and good practice in other parts of the rail industry.
- vi. How safety related documents are made available to staff working for Kuehne+Nagel.
- vii. How Kuehne+Nagel takes account of appropriate safety learning from sources such as internal investigations and safety learning from the wider rail industry.

Following this review, Kuehne+Nagel should develop a timebound plan to make any appropriate changes identified to working practices, processes and organisational structure

ORR decision

6. Kuehne+Nagel (K+N) commissioned an independent review of its delivery of railway operations on behalf of the Secretary of State for Defence. The review took into consideration all of the key points in the RAIB recommendation around organisation in relation to rail operations; a review of safety management system and risk assessment processes; and the competence of staff and safety documentation. The review included a significant number of recommendations for K+N to take into consideration, the vast majority of which have been acted upon and closed.

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

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

Status: Closed.

Information in support of ORR decision

8. On 26 September 2024 Kuehne + Nagel Ltd provided the following initial response:

The details of the measures taken against each element of the “RAIB” recommendation have been provided in the supporting Annex (A) attached to this letter.

KN believed that the actions it has already taken would address much of the RAIB’s recommendation. Nevertheless, our intention was to use the Kineton recommendation as an opportunity to undertake a comprehensive review of our rail safety management systems.

For this reason, we commissioned a senior rail expert, Simon French (ex RAIB Chief Inspector), to conduct an independent review of KN’s existing management processes and planned improvements to check that our actions meet the intention of RAIB’s recommendation and reinforce the areas of safety learning identified by RAIB.

The findings of the independent expert have also been incorporated into the safety improvement plan included with Annex (A).



AnnexA.docx V2
29.10.24.pdf

9. On 22 January 2025 Kuehne + Nagel Ltd provided the following PSA Update to Annex A



Update to Annex A
v2.pdf

Recommendation 4

The intent of this recommendation is to improve the maintenance regime applied to FAA wagons.

DB Cargo should review the maintenance procedures relating to FAA wagons at Carlisle Kingmoor depot. This review should include:

- i. A review of the effectiveness of the current arrangements for the visual inspection and brake test of FAA wagons and if they ensure that handbrake cables are appropriately inspected.
- ii. Consideration as to how visual inspection and brake tests of wagons at Carlisle Kingmoor depot can be improved to make it more effective at detecting cables which may be worn and/or approaching the end of their service life. This should include the type and suitability of the facilities used for such inspections.

iii. Examining how the results of visual inspection and brake tests are recorded.

Following this review, DB Cargo should develop a timebound plan to make any appropriate changes identified to working practices, processes and facilities.

ORR decision

10. DB Cargo has provided a summary of measures taken to strengthen the maintenance regime applied to FAA wagons at Carlisle Kingmoor depot, including mandating replacement of brake cables on a 4-yearly basis and measures to improve visual inspection. In addition, staff have been briefed and warning signs applied to wagons aimed at reducing the risk of handbrakes and airbrakes being applied at the same time.

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

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

Status: Closed.

Information in support of ORR decision

12. On 31 July 2024 DB Cargo provided the following initial response on recommendations 4 & 5:

Prior to the publication of the RAIB report, DB Cargo had already led on making changes to reduce the likelihood of a further incident occurring and we have noted that the RAIB report reflects some of these changes, as below:

- *Application of warning stickers to FAA wagons, instructing operators not to apply the handbrake at the same time as an air brake.*
- *Instructing K+N and GBRf staff to operate wagons in accordance with the relevant mainline Rule Book module, which requires operators not to apply the handbrake in addition to an air brake if you apply the handbrake first and carry out a pull test prior to destroying the air.*
- *Replacement of all handbrake cables on the FAA wagon fleet and introduction of planned replacement of the handbrake cables every four years.*
- *Implementation of a requirement to inspect the FAA handbrake cables in both positions during the VIBT.*

We continue to review the effectiveness of our arrangements and can advise that in relation to the recommendations that have been published, this includes:

1. *All DBC maintenance plans specify mileage and time-based maintenance events for Safety Critical Components. These events are managed through DBCs Asset Management System and DBC have changed the cable on all FAA wagons*

and have set a mandatory change out policy which is controlled through the Asset Management System and Maintenance Plan.

2. A time-based replacement of the FAA cables which has been added to DBC Safety Critical Asset Management System and the maintenance plan. Mandatory change out of FAA cables has been set to 4 years.

3. The FAA maintenance plan has been updated to include the requirements to check the cable in the 'ON' and 'OFF' handbrake position.

4. The FAA maintenance plan has been updated to include the requirements to check the cable and the crimped ends.

5. We have produced a manual and have issued this to K&N on the safe operation of DB Cargo leased wagons. K&N and any operator of DB Cargo wagons maintain the responsibility for all operational risk assessments and their implementation.

As part of our risk assessment and safe system of work for the completion of VIBT at Carlisle, we have reviewed these documents and can confirm:

1. DBC staff at Carlisle are issued with mats, pads, portable lighting and torches and appropriate PPE to inspect and maintain wagons at Carlisle.

2. To enhance the check that is made during a visual inspection, we are currently trialling the use of endoscopes. We estimate that this will be completed by September 2024.

3. If a pitted area is not available, and in the event of a hazardous event that may interfere or affect the effectiveness of the inspection (i.e., extreme weather conditions), the activity does not go ahead and is rescheduled.

4. The FAA maintenance plan 'Appendix A' check sheet has been updated to include specific sign-off for inspection of cables.

5. All staff have been briefed on the requirements to use the correct equipment for the task in hand.

It was noted in the RAIB report that we have been exploring the use of a pitted area. The pitted area at Carlisle is not our facility and is owned by Network Rail. We are trying to negotiate formal access to this facility, so whilst our longer-term plan is to look to secure a contractual arrangement with Network Rail, this process is still ongoing. We have further meetings in August to hopefully help us to establish a formal timeline on this arrangement.

13. On 14 March 2025, following a request from ORR, DB Cargo resubmitted the response for recs 4 and 5 with completion dates and timescales included:

The following actions were completed prior to the RAIB report being published. In June 2023 a "special Check" was issued to ensure the fleet was managed and to stop vehicles that were affected. Maintenance activities continued to take place, which were later finalised in August 2024. This was published in a revised DBC maintenance plan, and this remains in place:

- Application of warning stickers to FAA wagons, instructing operators not to apply the handbrake at the same time as an air brake. All decals were fitted and in place by August 2024.*

- *Instructing K+N and GBRf staff to operate wagons in accordance with the relevant mainline Rule Book module, which requires operators not to apply the handbrake in addition to an air brake if you apply the handbrake first and carry out a pull test prior to destroying the air.*
- *Replacement of all handbrake cables on the FAA wagon fleet and introduction of planned replacement of the handbrake cables every four years.*
- *Implementation of a requirement to inspect the FAA handbrake cables in both positions during the VIBT.*
- *All DBC maintenance plans specify mileage and time-based maintenance events for Safety Critical Components. These events are managed through DBCs Asset Management System and DBC have changed the cable on all FAA wagons and have set a mandatory change out policy which is controlled through the Asset Management System and Maintenance Plan.*
- *A time-based replacement of the FAA cables which has been added to DBC Safety Critical Asset Management System and the maintenance plan. Mandatory change out of FAA cables has been set to 4 years.*
- *The FAA maintenance plan has been updated to include the requirements to check the cable in the 'ON' and 'OFF' handbrake position.*
- *The FAA maintenance plan has been updated to include the requirements to check the cable and the crimped ends. We can confirm that all cables were already changed prior to August 2024.*

In May 2024 we issued we produced a manual and have issued this to K&N on the safe operation of DB Cargo leased wagons.

Regarding recommendation 4, we completed a revised risk assessment in June 2024. This included :

1. *DBC staff at Carlisle are issued with mats, pads, portable lighting and torches and appropriate PPE to inspect and maintain wagons at Carlisle. Completed in August 2024.*
2. *To enhance the check that is made during a visual inspection, we are currently trialling the use of endoscopes. This was implemented in September and feedback has been positive. This is still in place.*
3. *If a pitted area is not available, and in the event of a hazardous event that may interfere or affect the effectiveness of the inspection (i.e., extreme weather conditions), the activity does not go ahead and is rescheduled.*
4. *The FAA maintenance plan 'Appendix A' check sheet has been updated to include specific sign-off for inspection of cables.*
5. *All staff have been briefed on the requirements to use the correct equipment for the task in hand.*

6. *We are temporarily using the Network Rail shed that is already at Carlisle Kingmoor Yard (this started in April 2024 and is in place currently; however, we are not in a long-term agreement with NR for a lease of the shed). DB Cargo are still trying to arrange a long-term solution, which may be to erect our own shed, or if NR agree we are trying to agree a lease for the shed that is already on site.*

Recommendation 5

The intent of this recommendation is to reduce the likelihood of a life expired safety-critical brake component being left in place on an operational wagon.

DB Cargo should review the basis on which it determines the replacement of brake component parts fitted to wagons to ensure that those which are beyond their effective service life are identified and scheduled for replacement at appropriate intervals, considering both time-based and mileage-based intervals.

This recommendation may be applicable to other entities in charge of maintenance

ORR decision

14. DB Cargo has provided a summary of measures taken to reduce the likelihood of a life expired safety-critical brake component being left in place on an operational wagon. As already noted, brake cables on all wagons in the FAA fleet have been replaced and in future will be replaced on a 4-yearly basis. Maintenance plans for the FAA wagon fleet have also been enhanced to reduce the risk of a life-expired brake cable not being identified.

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

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

Status: Closed.

Information in support of ORR decision

16. See recommendation 4 above for the DB Cargo initial response on recommendations 4 & 5.