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To
 All FOD Inspectors and Support Team Leaders
 All Railway Inspectorate Staff

LIAISON ARRANGEMENTS BETWEEN RAILWAY AND CONSTRUCTION INSPECTORS

ACTION FROM 1 SEPTEMBER 2002

This OM defines the respective responsibilities of construction and railway inspectors, in relation to construction work on or around an operating railway. It seeks to promote improved communication, liaison, team-working and consistency in the application of construction legislation, whilst ensuring the safety of the operating railway.

SCOPE

1 This OM applies to construction work subject to the Construction (Health, Safety and Welfare) Regulations 1996 and the Construction (Design and Management) Regulations 1994, as well as to asbestos removal operations subject to the Asbestos Licensing Regulations 1983. It applies to routine preventative inspection as well as to accidents and complaints, statutory notifications and waivers.

2 This OM also encourages closer working relations between RI and FOD's Construction Division (CD) in support of the Construction Priority Programme. To this end, the [Appendix](#) shows the organisational structures of the two Divisions and the geographical areas covered.

BACKGROUND

3 The interface between construction work and the operational railway needs careful management and there needs to be close liaison between inspectors from RI and the Construction Division (CD) to ensure that risks are properly considered and controlled. The degree of liaison necessary will vary depending on the nature of the interface and the guidance in this OM is designed to assist inspectors in allocating lead responsibility in relation to construction work. In complex situations, for example where major construction work is taking place at a mainline station or where segregated construction work presents a significant risk to the operational railway, local RI and CD inspectors will need to work together, pooling

their expertise, to ensure that risks are properly controlled.

DIVISION OF RESPONSIBILITY

4 It is important that the criteria for allocation of work takes account of the relative expertise of both railway and construction inspectors and the nature and degree of risk which the work creates. Allocation of lead responsibility should make best use of the specialist skills and knowledge from each operational Division. This will be particularly important in respect of the use of staff trained in personal track safety (PTS). The principal criteria for the allocation of lead inspection responsibility will be:

- (1) railway inspectors will take the lead where the primary risks are those arising from the management of the operating railway, including all routine permanent way maintenance and renewals;
- (2) construction inspectors will take the lead where the primary risks are those arising from the management of the construction activities **provided** those activities are segregated from both the running line and any other line where there are train movements, eg in possessions (which will remain with RI).

5 Where the predominant risk is from or to the operational railway, then RI should have the lead responsibility for all aspects of the work, including risks to the construction workers and others arising from the construction activities.

6 The operational policy lead for construction work (including that carried out on, or adjacent to railway premises) will rest with the Construction Sector. Operational policy for railway safety issues will rest with RI.

SEGREGATION

7 The principle objective of those planning construction work on the railway (including railway stations and other rail premises) should be to ensure that all work, including the arrangements for access of plant, materials and workers is physically segregated from the operational railway environment. This minimises the risks to the railway from construction work and protects construction workers from the risks from trains. Infrastructure controllers (eg Railtrack/Network Rail, London Underground Ltd, etc), and those in control of the construction work should have such segregation as the top priority in their hierarchy of controls and consideration of this issue should form part of the CDM pre-tender health and safety plan.

8 In most cases, the degree of segregation should therefore be the main indicator as to whether the primary risks are those associated with the management of the railway, or with the management of the construction work. If the construction worksite is physically separate from the railway and the railway risk is extraneous (ie a scaffold pole could come into contact with the overhead power lines or swing out into the path of a train), then construction inspectors should deal with these risks to the railway as well as the conventional health and safety risks (but [see para 14](#) for matters of evident concern).

9 There will be instances where construction work takes place away from the railway, but where the work could have a direct impact on operational

railway safety, for example during construction work at a signalling control centre. In these circumstances, the guidance on liaison in para 11 should be followed.

10 Minor maintenance work (typically non-notifiable work) involving the use of ladders, access to roofs, work at height, etc will be dealt with by railway inspectors on a proactive and reactive basis in those premises which are part of a statutory railway.

LIAISON

11 Where segregated work still presents a significant risk to the operational railway, such as construction of a bridge across a railway as part of a motorway scheme, there should be liaison between RI and CD at a local level as soon as the nature of the work becomes apparent.

12 On some projects liaison at a local level between RI and CD teams will be needed to agree standards of segregation (eg satisfactory way of 'segregating' construction work activities from the track) and on other issues (eg separation distances in respect of cranes and other equipment).

13 From time to time, construction inspectors will need to make contact with the railway operator, eg as client or designer under the Construction (Design and Management) Regulations 1994. There are a number of constraints placed on railway operators which may restrict their ability to alter existing designs or layouts solely to improve construction safety. In such circumstances, the advice of RI 1 (who are responsible for new works and approvals) and the railway inspector responsible for the client must be sought.

14 Liaison will also be needed in respect of "matters of evident concern". Should a construction inspector become aware of circumstances which they perceive to be a threat to the safe operation of the railway, they should advise the train operating company, the infrastructure controller or contractor of the concern (but usually **not** suggest any particular course of action) and contact the appropriate railway inspector as soon as possible. Railway inspectors should take similar action in the case of construction site risks, drawing the matter to the attention of the contractor and notifying the appropriate construction inspector. In the event of such contact not being possible the relevant inspector may take appropriate enforcement action in accordance with the Enforcement Management Model (EMM) where there appears to be a risk of serious personal injury.

GREEN FIELD SITES FOR NEW RAILWAYS

15 This includes large projects (eg Channel Tunnel Rail Link) as well as small scale schemes (eg a single rail head for a depot).

Pre-construction stage

16 The Transport and Works Act 1992 (TWA) requires clients of most new railway works to seek and obtain approval before bringing the facility into use. The Railway Inspectorate has the responsibility for the assessment and approval of schemes subject to the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994.

17 The approval process concentrates on the safety of the end product, and in doing so, will take into account some issues which are also covered by CDM. It is therefore important that there is good communication between the Divisions on matters relating to design, and liaison arrangements for

new works projects between RI1, RI operational groups and Construction groups should take into account the need for cooperation on design issues. A joint approach to clients and designers for the new works will need to be agreed between the relevant staff in RI1 and those in the RI/Construction operational groups.

Construction phase

18 Construction inspectors will normally be in the lead during the construction phase (including railways assembled exclusively for the construction process) until arrangements are made for the railway to become 'operational'. Once this has occurred, railway inspectors will be responsible for any remaining unsegregated construction work. Handover from CD to RI should usually occur at the same time as the construction site is handed back to the Railway operator (ie when workers become subject to railway rules and procedures, eg in taking possessions, and obtaining permits to work, etc). These 'conditions' are usually the subject of approvals discussions with RI1 and RI3. The precise timing of hand-over should be agreed in good time to allow an orderly transfer of responsibility. Whilst recognising that in the case of large infrastructure schemes regular liaison meetings and joint visits take place (and phased handovers often occur), in smaller scale projects at least one meeting should take place to discuss handover arrangements. As construction inspectors will be responsible for the initial part of construction, they should initiate discussions for hand-over on smaller schemes.

19 There will be a need for RI to attend site during the period when construction inspectors have responsibility for construction work (eg to approve new works). In the rare cases where comment is made to duty holders on general health and safety matters, railway inspectors will advise the relevant Construction group of the content of discussions. Similarly if railway inspectors are engaged by employee representatives whilst undertaking inspections under the above requirements they will explain their role to the representative and refer the person to the relevant HSE office for further advice.

ASBESTOS REMOVAL OPERATIONS

20 All notifications for asbestos removal work subject to the Asbestos Licensing Regulations 1983 (including requests for waivers) will be handled by CD ([see Asbestos Notifications Procedure](#)). Nominated and trained inspectors will deal with all asbestos removal work (except asbestos cement) wherever it occurs on railway property or rolling stock. Asbestos risks associated with the running of the railway (eg contamination in the London Underground) and issues to do with the management of asbestos in railway property will be the responsibility of RI.

21 If Construction Division inspectors propose to visit removal work on premises normally dealt with by RI, they must contact the local RI inspection team before conducting the visit. In certain cases where there are suitable trained inspectors in the RI team (and who meet the requirements of HSE's safety policy supplement on asbstos) then, by local arrangement, that inspector could do the inspection.

ACCIDENTS AND COMPLAINTS

22 Accidents and complaints may be reported to either Division. F2508s in CD are handled via the Incident Contact Centre ([ICC Interface Procedure](#)) and complaints are dealt with by Complaints Handling Officers ([Complaints Procedure](#)). For RI, F2508s go to RI in Rose Court where they are coded and passed to the relevant local office for assessment by the band 2. In RI, complaints arrive either directly to the local office or come

via the Correspondence Section and are reviewed by the band 2 before being entered on FOCUS as an initial event. If during the assessment or review the matter appears to be one for CD to handle then it should be forwarded to the local Complaints Handling Officer.

23 Local support staff in either division receiving complaints or F2508s should check the F10 database to establish whether there is already an agreed enforcement allocation for the site.

FOCUS RECORDING

24 RI use Area 22 on FOCUS to record contacts, etc for their work with the operating railway. CD use Area 23 for all construction contacts. Both Areas cover all of England, Scotland and Wales. Clients are established on FOCUS in the same way as that used for other Areas in accordance with the FOCUS Data Handbook.

25 Where construction clients only work on the railway, ie Amey Rail, the parent area will be Area 22. Construction inspectors needing to record a contact against them should adopt them into Area 23 and create an incumbent as normal. Clients who work across the construction industry (including on the railway) should be created as normal with the parent area being Area 23. Construction locations will either be fixed (eg stations and signal boxes) or minor construction transients. Area 22 uses a new type of location "minor railside" linked to each of the Railtrack zones for transients rather than LAs.

26 Some incumbents may be duplicated, ie Area 22 may have Railtrack Plc at Crewe Station for issues to do with the management of risk in respect of the operating railway, whilst Area 23 could have Railtrack as a CDM client at the same location for construction issues. This should not cause significant problems as most staff will only work within one area of the FOCUS database. Contacts, accidents and complaints should all be recorded against the relevant incumbents.

F10S

27 Any F10 sent to RI should be forwarded in the first instance to the relevant Railway band 2 for the area who will apply local knowledge in order to determine allocation of the work. In cases of doubt as to the degree of segregation of the work, enquiries should be made by RI of the client or their planning supervisor. The F10 should then be marked either 'RI' or 'CD' in the top right hand corner and copied to the relevant Construction group. The Division responsible for the site should then arrange for the F10 information to be entered on the F10 database. The F10 database will allow RI to input an F10 which they have responsibility for against their group. For CD, F10s are input against a local authority. Details about the F10 database can be found in [Construction Notifications Procedure](#).

HEALTH AND SAFETY AND TRAINING

28 Construction inspectors must not undertake work subject to these new arrangements which brings them in contact with an operational railway unless they have completed a mandatory railway personal track safety (PTS) course. Band 2s in CD should decide how they will deal with railway construction work according to local circumstances and ensure that sufficient inspectors have received this training to enable the work to be adequately resourced.

29 It is recognised that there is a training need to ensure that all inspectors have the appropriate knowledge of construction and railway safety to guarantee the effectiveness of these arrangements. Such training will not only deal with technical issues, such as risk of cranes oversailing the railway boundary or earthworks affecting the stability of the railway embankment; it will also provide an opportunity for greater collaboration between construction and railway inspectors. Training arrangements will be notified as soon as they have been finalised. It is envisaged that this will be a collaborative effort involving staff from RI and FOD.

IMPLEMENTATION

30 The changes in allocation in work set out in this OM will come into effect from 1 September 2002. Where construction work is already in progress on that date it should be assessed against the criteria in [para 4](#) and a decision reached as to how it should be dealt with until completion. Handover arrangements should be agreed in appropriate circumstances between RI and Construction groups taking account of any ongoing investigations or enforcement which might dictate that the work is seen through to its conclusion by the Division currently dealing with it.

REVIEW

31 The implementation of this OM will be subject to regular review to enable any issues of demarcation and standards to be resolved. Issues which cannot be settled locally should be referred to Heads of Operations. In the event of a continued failure to agree or where the OM is unclear, a note setting out the issue should be sent to the Heads of the Construction and Railway Sectors. A formal review of this OM will be undertaken by the two Heads of Sector 12 months after issue, to which all Construction and Railway band 2s and Heads of Operations will be invited to contribute.

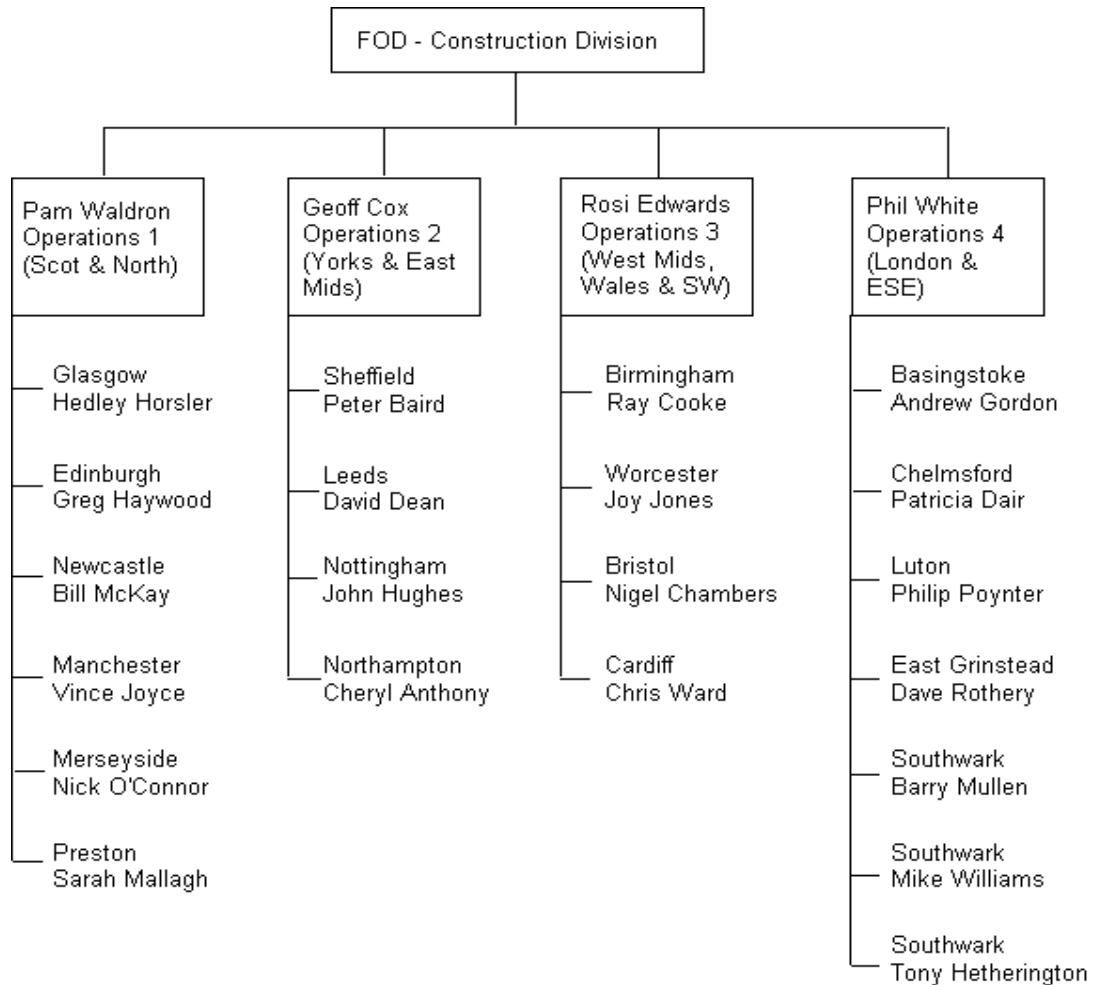
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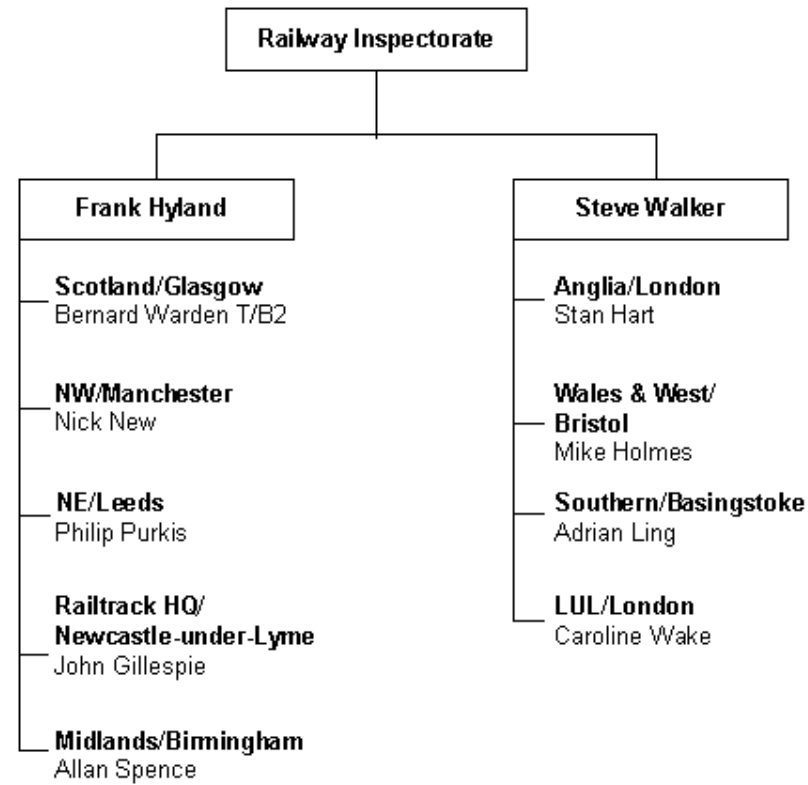
APPENDIX

1 (para 2)

CONSTRUCTION DIVISION ORGANISATIONAL STRUCTURES AND GEOGRAPHICAL AREAS



RAILWAY INSPECTORATE ORGANISATIONAL STRUCTURES AND GEOGRAPHICAL AREAS

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