



4th April 2017

Re: FOI request IE_FOI_087

Dear 

I refer to your request dated 22nd March which was received by this office on 22nd March 2017, which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

Request - All correspondence between Irish Rail CEO David Franks and the Head of the Railway Safety Commission, Gerald Beesley. The timeframe for this request is 01/11/16 – 22/03/17.

I, Ms. Heidi Reardon, Decision Maker have now made a final decision on the 24th March 2017

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. A schedule of all of the records covered by your request;
2. An explanation of the relevant findings concerning the records to which access is denied, and
3. A statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

The sections of the Act which can apply to deny access to documents are known as its exemption provisions. These exemptions are detailed in the schedule of records

3. Rights of appeal

In the event that you are unhappy with this decision, you may appeal it. In the event that you need to request such a review, you can do so by writing to FOI Unit, Corporate Communications, Iarnród Éireann Irish Rail, Connolly Station, Amiens St, Dublin 1 or alternatively by sending an e-mail to foi@irishrail.ie. You should state that you are seeking this review because an initial decision was not sent to you within the time allowed for a response. In that event, you would normally have 4 weeks (after the initial decision should have been sent to you) in which to make the appeal. Consideration will be given to late applications in appropriate circumstances.

Should you wish to discuss the above, please contact me by telephone at 01-7034293.

Yours sincerely,



Heidi Reardon

PA to Chief Executive, Iarnrod Eireann

Freedom of Information Request:
 Schedule of Records for IE_FOI_087 : Summary for Decision Making

Record No.	Date of Record	CEO/Office Record No	Brief Description	No. of Pages	Decision: Grant/Part Grant/Refuse	Section of Act if applicable	Record Edited/Identify Deletions
	04.11.16	29	DF TO GB - Safety Representatives Conference	1	Fully Grant	N/A	
	07.11.16	22	GB TO DF - Safety Representatives Conference	1	Fully Grant	N/A	
	04.11.16	30	DF TO GB - Independent Audit of Safety Management System	1	Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	
	07.11.16	23	GB TO DF - Independent Audit of Safety Management System	1	Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	
	04.11.16	31	DF TO GB - Close out of Safety Recommendations	1	Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	
	07.11.16	24	GB TO DF - Close out of Safety Recommendations	2	Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	
	01.01.17	32	DF TO GB - Log of Open Items between IE and CRR	26	Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	

Signed Heidi Reardon

IE Decision Maker

Príomh Fheidhmeannach, Stáisiún Uí Chonghaile, Baile Átha Cliath 1, D01 V6V6

Chief Executive, Connolly Station, Dublin 1, D01 V6V6

T 01 703 2454 E info@irishrail.ie W www.irishrail.ie

Mr Gerald Beesley
Commissioner
Commission for Railway Regulation
Trident House
Blackrock
Co. Dublin

4th November 2016

Re: Safety Representatives Conference

Dear Gerald,

Our next bi-annual Safety Representative Conference is scheduled to take place on Thursday 24th November, commencing at 11.00 in our Inchicore Training Centre. The conference will cover a range of topics of relevance and interest to the Safety Representatives.

We anticipate circa 60-70 representatives being present and would like to extend an invitation to CRR to join us at the conference. If you would like to accept this invitation please advise the name(s) of those who will be attending.

Yours sincerely,



David Franks

Chief Executive

22



7th November 2016

Mr David Franks
Chief Executive
Iarnród Éireann
Connolly Station
DUBLIN, D01 V6V6

Ref: 161107/GB16-030/IÉ-CEO

Iarnród Éireann Safety Representatives Conference

Dear Mr Franks,

Thank you for your letter dated 4th November 2016.

The CRR is pleased to accept your invitation to attend the next bi-annual Safety Representatives Conference, scheduled to take place at Inchicore on Thursday 24th November.

CRR Inspectors Robert O'Regan Robertoregan@crr.ie and Liam Logan Liamlogan@crr.ie will attend.

Yours sincerely,

Gerald Beesley
Commissioner

COMMISSION FOR RAILWAY REGULATION



Re: FOI request IE_FOI_087 internal review

Re: FOI Request Acknowledgement [IE_FOI_087 internal review]

Dear 

I refer to your request dated 22nd March 2017 which was received by this office on that date which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

Request –

- All correspondence between Irish Rail CEO David Franks and the head of the Railway Safety Commission Gerald Beesley between 01.11.16 - present date

A decision has now been made to release 4 further pieces of correspondence. The log of open items between IE and the CRR has been withheld again as this still falls within the remit of Section 29 Deliberations of Public Bodies.

This letter addresses each of these three parts in turn.

1. Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request. It describes each document and refers to the sections of the FOI Act which apply to prevent release. The schedule also refers you to sections of the detailed explanation given under heading 2 below, which are relevant to the document in question. It also gives you a summary and overview of the decision as a whole.

2. Findings, particulars and reasons for decisions to deny access

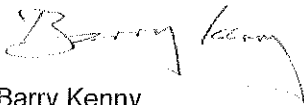
The sections of the Act which can apply to deny access to documents are known as its exemption provisions. These exemptions are detailed in the schedule of records

3. Rights of appeal

In the event that you are unhappy with this decision, you may appeal it to the Office of the Information Commissioner at www.oic.ie.

Should you wish to discuss the above, please contact the FOI officer by telephone at 01-7034293.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Barry Kenny', written in a cursive style.

Barry Kenny

Internal Reviewer, Iarnrod Eireann

Freedom of Information Request:

Schedule of Records for IE_FOI_087 : Summary for Decision Making

Record No.	Date of Record	CEO Office Record No	Brief Description	No. of Pages	Decision: Grant/Part Grant/Refuse	Section of Act if applicable	Record Edited/Identify Deletions
	04.11.16	30	DF TO GB - Independent Audit of Safety Management System	1	Fully Grant	N/A	
	07.11.16	23	GB TO DF - Independent Audit of Safety Management System	1	Fully Grant	N/A	
	04.11.16	31	DF TO GB - Close out of Safety Recommendations	1	Fully Grant	N/A	
	07.11.16	24	GB TO DF - Close out of Safety Recommendations	1	Fully Grant	N/A	
	01.01.17	32	DF TO GB - Log of Open Items between IE and CRR	26	Refuse	S29 - Deliberation of Public Bodies : the record concerned contains matters relating to the deliberative process of IE in relation to ongoing matters relating to the RSC	

Signed Heidi Reardon

IE Decision Maker

Príomh Fheidhmeannach, Stáisiún Uí Chonghaille, Baile Átha Cliath 1, D01 V6V6
Chief Executive, Connolly Station, Dublin 1, D01 V6V6
T 01 703 2454 E: Info@irishrail.ie W www.irishrail.ie

Mr Gerald Beesley
Commissioner
Commission for Railway Regulation
Trident House
Blackrock
Co. Dublin

Open

4th November 2016


Re: Independent Audit of Safety Management System

Dear Gerald,

Thank you for your letter of the 5th October in relation to the potential legal requirement for an independent audit of our Safety Management Systems.

Our own legal advice appears to contradict the advice in your letter. In order to clarify matters could I propose that our CIE Group Solicitor meet with your own legal advisors to try and reach a common understanding. If you agree with this suggestion perhaps you could advise contact details and I will arrange for Colm Costello to make direct contact.

Yours sincerely,



David Franks
Chief Executive

open



7th November 2016

Mr David Franks
 Chief Executive
 Iarnród Éireann
 Connolly Station
 DUBLIN, D01 V6V6

Ref: 161107/GB16-028/IÉ-CEO

Independent audit of Safety Management System

Dear Mr Franks,

I refer to your letter to the Commission for Railway Regulation ("CRR") dated 4th November 2016.

In response, and to provide clarification as requested, you are referred to S.I. No.444 of 2013, the scope of which applies to the railway system in the State and covers safety requirements, including the safe management of infrastructure and of traffic operation, and the interaction between Railway Undertakings and Infrastructure Managers. Specifically, your attention is drawn to Regulation 19, which is reproduced below:

Part 6

AMENDMENT OF ACT OF 2005

Non-application of Part 4 of Act of 2005

19. Part 4 of the Act of 2005 does not apply in relation to the aspects of safety management, safety certification, safety authorisation or entity in charge of maintenance provisions in respect of the railway system in the State to which these Regulations apply.

From the foregoing, you will note that Part 4 of the Railway Safety Act of 2005 (Sections 38 to 50 inclusive) no longer applies in respect of the (European) railway system in the State, i.e. the Iarnród Éireann (IÉ) network under the control of the IÉ Infrastructure Manager and any of the Railway Undertakings that operate thereon.

The Regulations that now apply in relation to Safety Management, Certification and Authorisation are as laid down in Part 2 of S.I. No.444 of 2013.

The law is clear on this matter and, therefore, the CRR does not consider that it is necessary for our respective legal advisers to meet.

Yours sincerely,

Gerald Beesley
 Commissioner
 COMMISSION FOR RAILWAY REGULATION

Príomh Fheidhmeánach, Stáisiún Uí Chonghaille, Baile Átha Cliath 1, D01 V6V6
Chief Executive, Connolly Station, Dublin 1, D01 V6V6
T 01 703 2454 E info@irishrail.ie W www.irishrail.ie

Mr. Gerald Beesley
Commissioner
Commission for Railway Regulation
Trident House
Blackrock
Co. Dublin

Open

4th November 2016

Re: Close-out of Safety Recommendations

Dear Gerald,

I refer to our correspondence last year on the above topic and specifically to your letter of the 24th July 2015 which I responded to on the 16th October 2015.

Your letter had sought our on-going commitment to the submission of evidence that would allow close out of the following types of recommendations:

1. Historical Safety Recommendations;
2. Safety Recommendations arising from RAIU investigations;
3. RSC Audit Outcomes.

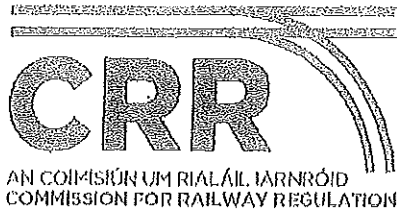
You will be aware that we have assigned additional resources to meet this commitment and have made considerable progress in the submission of evidence to your reviewing officers. Although good progress has also been made in the close-out of some recommendations there is now an increasing backlog of submissions that we are awaiting a response on.

I would appreciate if you could review this with your teams to see how if may be possible to advance the response on submissions so that the backlog of open recommendations could be reduced to more manageable levels in line with our collective intentions.

Yours sincerely,



David Franks
Chief Executive

7th November 2016

Mr David Franks
 Chief Executive
 Iarnród Éireann
 Connolly Station
 DUBLIN, D01 V6V6

Ref: 161107/GB16-029/IÉ-CEO

Close out of Safety Recommendations

Dear Mr Franks,

Your letter to the Commission for Railway Regulation ("CRR") dated 4th November 2016 refers.

For your information, a comparison of the status of progress in closing out of Safety Recommendations, between 31st March 2015 and 27th October 2016, is set out hereunder:

Status as at 31st March 2015

Recommendation Source	TOTAL		Subject to CRR Verification	OPEN
Historic	268	87	64	117
RAIU Investigations IÉ-IM	93	48	23	22
IÉ-RU	22	9	9	4
RSC/CRR Audits IÉ (NCs)	91	38	0	53
IÉ (ARs)	337	173	1	163

Status as at 27th October 2016

Recommendation Source	TOTAL		Subject to CRR Verification	OPEN
Historic	268	152	91	25
RAIU Investigations IÉ-IM	107	66	19	22
IÉ-RU	26	18	2	6
RSC/CRR Audits IÉ-IM (NCs)	65	54	7	4
IÉ-IM (ARs)	227	207	11	9
IÉ-RU (NCs)	35	12	15	8
IÉ-RU (ARs)	112	42	43	27
RSC/CRR PIIs IÉ-IM (NCs)	14	8	1	5
IÉ-IM (ARs)	37	23	2	12
IÉ-RU (NCs)	5	1	4	0
IÉ-RU (ARs)	13	4	3	6

You will observe that despite the addition of 29 recommendations since March 2015 (18 arising from RAIU investigations, and 11 from CRR Audits) considerable progress has been made, particularly in closing out Historic Recommendations.

The backlog of Open recommendations (excluding those arising from PIs) has reduced from 44% (359/811) to 12% (101/840); a creditable performance to date in closing out 196 recommendation, which has been delivered through positive engagement between the Iarnród Éireann (IÉ) IM and RU safety departments and the CRR.

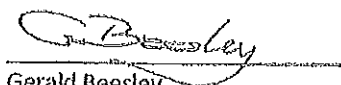
Average closure rate for RAIU recommendations and CRR Audits has improved from 50% and 51% to 63% and 72% respectively. However, the workload is heavily weighted (70:30) toward the IM, and differences in progress rates between IÉ-IM and IÉ-RU is to be expected.

In addition, 69 outcomes from CRR Post Incident Inspections have been included in the current status, above, which shows that IÉ-IM has implemented measures to close 61% and IÉ-RU 28% of recommendations arising from this CRR area of activity.

Regarding work in progress, the CRR scrutiny of IÉ submissions — to determine if recommendations have been satisfactorily addressed — is a continuous task alongside a variety of other CRR activities. Where an initial submission is insufficient to enable a recommendation to be closed the CRR seeks clarification or additional evidence to enable closure to be achieved. Such additional steps inevitably prolong the verification process.

You may be assured that, in relation to its overall priorities and statutory responsibility with respect to the railway sector activities in the State, the CRR is continuing to apply resources proportionate to the demands of this task.

Yours sincerely,



Gerald Beesley
Commissioner

COMMISSION FOR RAILWAY REGULATION