



OFFICE OF RAIL REGULATION

Mr Jean-Gérard Koenig
BEA-TT
Tour Voltaire – Deuxième étage
92055-La Defense
Paris

Your Ref [Insert reference]

Our Ref [Insert reference]

2 September 2011

Alan Bell

Telephone 44+020 7282 3939

E-mail alan.bell@orr.gsi.gov.uk

Dear Mr Koenig

Technical investigation report concerning the fire on a Eurotunnel freight shuttle on 11 September 2008

We have considered the above report and in particular recommendation 4 which is in part addressed to ORR. Although we have some doubts about whether it is appropriate to address the recommendation to us in this way, we can give our understanding of the general position regarding the recommendation.

The recommendation reads:

Recommendation No 4 (Eurotunnel, SDIS, Kent Fire and Rescue Services, Office of Rail Regulation, IGC) Examine regulatory, organisational or technical changes that would make it possible to reduce the time needed to provide electrical protection for the fire-fighters and enable them to fight the fire as quickly as possible.

By addressing this to ORR, BEA-TT is in effect asking the UK National Safety Authority¹ to review UK legislation that applies to more than just the railway industry, and potentially to enforce existing legislation differently for the railway industry. Although we believe that BEA-TT has no powers beyond the French territorial border, we acknowledge that the report and recommendations were agreed between BEA-TT and RAIB and that RAIB, using its powers conferred by UK legislation, could have addressed the recommendation to ORR through the national safety authority for the Channel Tunnel, the IGC. This does not appear to be the case.

ORR does not believe that the law with regards to working near high voltage conductors is significantly different in France than in the UK. There appear to be procedures agreed between SNCF and the fire service in France, enabling fire-fighters to fight fires near the catenary. It is not clear whether the procedures include other means of ensuring the safety of fire-fighters or not. In any case, ORR

¹ ORR is the National Safety Authority for the UK, but not for the Channel Tunnel. However, ORR is the enforcing authority for railways in Great Britain and as such its inspectors have the power to enforce UK law on the UK side of the international frontier within the concession.



OFFICE OF RAIL REGULATION

believes that there are equally effective solutions to minimise the time to make safe the catenary without importing extra and unnecessary risk.

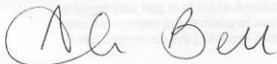
The ORR position has been to encourage, through its inspectors involved with the Channel Tunnel, a means by which the catenary can be isolated as quickly as possible without putting fire-fighters at risk from the electrification. This is consistent with UK law and the practice of UK enforcing authorities across British industry. This work by ORR inspectors pre-dates publication of the BEA-TT report.

Agreement was reached and implemented in 2010 whereby FLOR undertake the earthing of the catenary on receiving permission from the RCC that the catenary power has been removed and it is safe to earth. Furthermore, in the design of SAFE stations, we understand that Eurotunnel propose remote earthing.

In ORR's opinion, the spirit of the recommendation has been met in full by means other than a change in UK law and without the importation of additional risk.

Please let me know if you need any further information. I am copying this response to Carolyn Griffiths, Chief Inspector at RAIB.

Yours sincerely



Alan Bell
Head of Railway Safety Policy