
Guidance No: DAB-43

Attribution of Responsibility for Lineside Fires after the Passage of a Service Hauled by a Steam Locomotive

1. Introduction

The Delay Attribution Board (the Board) received a Request for Guidance in connection with the attribution of various TRUST incidents relating to lineside fires occurring after the passage of services hauled by a steam locomotive.

- 1.1. The Board received this joint Request for Guidance from West Coast Railway Company (WCR) and Network Rail Infrastructure Ltd (Network Rail) on the 9th June 2017.
- 1.2. The Board was asked the following:
 - 1.2.1. Guidance from the Board is sought for the resolution of an issue which despite discussion at the required levels of escalation a solution has not been agreed.
 - 1.2.2. To provide guidance regarding the responsibility and attribution of incidents where a lineside fire has been reported after the passage of, and believed caused by, a service hauled by a steam locomotive.
 - 1.2.3. Whether, in this circumstance, attribution would be to Operator responsibility in respect of the steam locomotive or to Network Rail as a lineside fire.

2. Information Received

- 2.1. The Parties have discussed the issues relevant to this matter, in accordance with the agreed procedures for obtaining agreement in relation to disputed attribution as set out in Part B of the Network Code. However, they have been unable to reach a common position. The Parties are therefore both agreed that the issues raised should be referred to the Board for guidance and have prepared a joint submission accordingly, incorporating their respective interpretations.

3. Factual Background to the incident

3.1. The Parties submitted the agreed factual background and their respective views on how the incident should be attributed:

3.2 There are 31 incidents that occurred between March 2011 and March 2015 relating to lineside fires which occurred after the passage of trains hauled by a steam locomotive which have been attributed to WCR and remain in dispute.

3.3 The incidents in dispute can be summarised as follows;

Route	Single (single incident – single fire reported)	Multiple (single incident – multiple fires reported by same train)
Wales	0	1
LNE	6	5
LNW	6	6
Western	3	3
Wessex	0	1

3.4 A full list of the specific TRUST incidents covering date, location and impact was provided to the Board as an Appendix but has not been replicated in this paper.

4. Operator's View

4.1 The position statement put forward by NR does not have any supporting argument that has been shared with WCR.

4.1.1 WCR believe that NR is relying on an emotional response to the notion that a steam train, because it is carrying a fire, must be responsible for a line-side fire and on that basis alone the TOC must be 'primarily responsible'. WCR fundamentally disagrees with this notion and has carried out considerable and detailed statistical research and subsequent analysis to disprove NR's claim.

4.1.2 Irrespective of this, the fires have occurred on or near the line-side and so the prime responsibility must remain with NR, as the infrastructure owner and maintainer unless otherwise proven.

4.1.3 WCR believe it is unreasonable to accept prime responsibility for investigating such alleged incidents simply because WCR do not have the same access rights or information about the location where the event took place and so cannot effectively investigate the claims.

4.1.4 WCR can only investigate the locomotive and this is covered by a series of measures encapsulated in the appropriate Standards document and subject to, and available for post incident joint audit by WCR and NR if required.

4.1.5 Over the years, the requirements within this document have been strengthened to such a degree that, as long as the locomotives comply fully with these measures, line-side fires are highly improbable and the cause of any fire must lie elsewhere.

4.1.6 There are many reasons for fires on or near the network; for example, 130 incidents (that caused delay or cancellation), took place in 2016-7 and only one was alleged to have been caused by a steam locomotive.

4.1.7 Finally, the only supporting data obtained from NR is a summary, over the last 6 years, of the 31 incidents that have been arbitrarily coded by NR as 'Fires caused by a Steam loco', and all are disputed on that basis alone. NR has already appears to assume that the DAB will support them and for the last 6 years have been coding incidents on that basis. This is entirely inappropriate.

- 4.2 WCR has analysed two sets of statistics to assist with this issue:-
- i. Its own records of steam operations for 2015 and 2016;
 - ii. Statistics provided by NR for the same period, reporting fires on a period-by-period basis, with a small amount of attribution.

Both sets of statistics are appended to this submission in graphical format (Appendix B), which West Coast Railway believes overwhelmingly demonstrates a lack of connection between line-side fires and the operation of steam services, when the two sets of information are overlaid.

- 4.2.1 The annual peak fire-risk season (Periods 1 & 2 - April & May) occurs when there are a low number of steam services operating; conversely, the peak season for steam charter operations is during Periods 4 & 5 (July & August), when fires are around half the level of Periods 1 & 2.
- 4.2.3 In 2015 and 2016 (regrettably because of enforcement action), WCR only operated around 10% of the level of steam services in these periods compared to previous years, while the incidence of line-side fires remained static. This statistic demonstrates comprehensively that no definitive reasonable link between steam services and fires can be made.
- 4.2.4 During Periods 1 & 2, the line-side is covered in dead vegetation and is therefore highly susceptible to combustion. The second highest fire-risk times, Periods 4 & 5, coincides with summer weather, strong sunshine and associated heat. These are also the peak trespass times, which coincide with school holidays.
- 4.2.5 The official statistics also demonstrate that traditional periods of high and higher fire risk also coincide with school holidays, especially in July and August. In mid-April, at the start of the Easter holidays, NR quite correctly launched a pro-active anti-trespass and vandalism (T&V) campaign, which WCR positively supports.
- 4.2.6 It is also a fact that steam charters attract line-side spectators, especially when high profile locomotives, such as 'Flying Scotsman' and 'Tornado' are hauling the train. In fact, the owners of these locomotives publicly request on all their publicity that spectators do not trespass in order to minimise the risk to them and the rail industry.
- 4.2.7 In April this year, spectators, waiting for 'Flying Scotsman', had picnics by the line-side (but not on it) using stoves and one-use BBQs, with the resultant high risk of setting off a fire. Phil Marsh has personally witnessed this, while either being a fireman or guard on WCR services over the last 13 years.

- 4.2.8 Another officially identified fire risk area is that of hydraulically-operated clamp-locks, which have their own specific mention on standing operating instructions.
- 4.2.9 There are some less well known causes of fire. For example, a car with a hot catalytic converter parked over vegetation, setting off a fire at Winchester last year.
- 4.2.10 Trespassers don't understand the risk on the railways; they might cause fires, either accidentally, by discarding cigarette ends or other flammable material, or, in some cases, deliberately. This can be quantified because the NR statement says: "Those that trespass, because they are bored, often end up carrying out acts of vandalism [which includes fire related activities]."
- 4.2.11 According to NR figures, in 2016 and in their own words: "... there were more than 8,000 incidents where people risked their lives across the rail network, an 11% increase on the previous year."
- 4.2.12 Thrill-seeking trespassers accounted for 19% (over 1500) incidents, worrying for the obvious reason when fires are considered. The data also highlights seasonal peaks in the number of incidents, with spring and summer seeing more than double the number of young trespassers, when fires are more prevalent, compared to winter months.
- 4.3 WCR believes that the statistical analysis undertaken demonstrates beyond any reasonable doubt that there is an inverse correlation between the number of fire incidents and steam services operated. The research on this subject also confirms the NR media statement that T&V incidents are numerically higher at times of fire-risk.
- 4.4 Steam locomotives operated by WCR conform to industry and company Standards; the same cannot be claimed by NR, especially when considering the condition of line-side vegetation and detritus.
- 4.5 It can be seen that the proposal by NR to attribute the delay minutes caused by fire-related incidents, when a steam charter has been in the vicinity of the incident, by the automatic assumption that it is the root cause, is not, in WCR view, reasonable. Therefore, the proposal should be declined by the DAB and the *status quo* maintained.
- 4.6 Can Network Rail confirm that DB Cargo, as the other main line steam operator, has been offered the same opportunity to present their case on the Network Rail proposal to the DAB?
- 4.6.1 This is because the two main line steam operators both operate the same 3rd party owned locomotives and a third operator is about to go live which will also be using the same locomotives.

- 4.6.2 Examples of this privately owned main line registered fleet, (as opposed to West Coast Railway owned) include 'Flying Scotsman' and 'Royal Scot'. All locomotives are maintained to the same mandatory Group Standards, VMIs and subject to the same 'Fitness to Run' examinations, no matter who the locomotives are operated by. Therefore the Network Rail application if approved, is clearly discriminatory against WCR as there is no mention of the other steam operators using the same locomotives made in their application.
- 4.7 It would also, if approved, set a TOC-specific precedent for delay attribution rather than a fact-based attribution applicable across the rail industry. ORR would no doubt become involved to ensure equitable treatment of all Operators by Network Rail.

5. Network Rail's View

- 5.1. Network Rail believes that steam locomotives can generate sparks and hot ashes that can cause lineside fires as a result of vegetation being set alight. This results in trains being held or cautioned which causes delay. Network Rail understands that operators can mitigate against the likelihood and frequency of these incidents occurring through maintenance and the operation of the trains involved. However, Network Rail also believe that even when these measures are in place, and locomotives are being operated correctly, sparks and hot ash can be generated. This can, and does cause lineside fires.
- 5.2. Network Rail believe that the conclusion, specifically paragraph 38.2, of ADP30 is relevant in this case. The panel stated *"the operation of the Delay Attribution process, and of Schedule 8, does not require the establishment of detailed chains of causality, and is not about the allocation of liability, it merely requires, in respect of the Delay Attribution process, that Delay be attributed to the parties relevant Track Access Contract, in each case on the basis of the greater probability of responsibility"*. In all of the cases in dispute, lineside fires were reported after the passage of a steam train operated by WCR. Network Rail believe that until the passage of the train there were no fires and therefore no delay incidents. The plausible explanation for the cause, and greater probability, is that the fire originated as a result of the passage of the trains.
- 5.3. Network Rail believe that the incidents as currently coded represent the correct Delay Code and Responsibility for the Prime Cause identified and thus fulfil the requirement of delay allocation set out in the DAG.
- 5.4. The WCR submission is speculative as there were no reports of trespass, picnics, children on school holidays, cars etc. Nor were there any reports of encroaching vegetation, for the incidents in discussion. On the contrary, the attribution of these incidents has been far from speculative as what has been reported is that trains, which are acknowledged as being susceptible to causing fires passed the location and soon after a fire was reported. There were no fires before the trains passed and the driver of the trains in question didn't report anything untoward.

- 5.5 Appendix C set out a document which is one of WCRs own publications showing that steam trains even when running normally risk setting off lineside fires.
- 5.6 The extract below refers to a previous incident which has been accepted as due to train running in steam. Refers to ADA 20

2 The Incident leading to the Dispute

- 2.1 The Dispute arises from an incident on 12 July 2014, when a charter service was operated by WCR which was to be steam-hauled from Carnforth to York. It was operating under train reporting number (headcode) 1Z57. This train was to be hauled during this part of the journey by ex-GWR 'Hall' Class no. 5972 *Olfon Hall*.
- 2.2 It appears to be accepted by both Parties that shortly after crossing the boundary from NR's London North Western (North) Route to the LNE Route a small live coal fell from the locomotive, which caused a lineside fire requiring the attendance of the fire brigade.

Following the incident above further mitigations were put in by WCR to prevent this type of incident happening again. None of the incidents in this paper before or after this incident have evidence of any inspection of the steam locomotive to check if any preventative measures have been followed.

Note a incident of lineside fire following the passage of a steam train
Incident 062119 LINESIDE FIRE GRIGG XIT 22/04/17
was accepted by WCR following an inspection of the train.
The lack of evidence of train inspections in incidents in this paper should be noted.

- 5.7 WCR have provided some statistics of lineside fires, with no explanation of the source. As such Network Rail are unable to verify the statistics provided. In any case, Network Rail do not believe this information to be relevant. What is relevant is that lineside fires have been reported after the passage of a steam train.

6. Locus of the Board

- 6.1 The Board reviewed its locus in respect of providing guidance on this issue. The Board's locus to provide guidance is set out in the Network Code Conditions B2.4.3 and B6.1.3.
- 6.2 The Board noted that while it could offer guidance to the Parties regarding how incidents of this nature should be attributed, this guidance was not binding on either Party. If either of the Access Parties were dissatisfied with the guidance provided they could refer the matter to Access Dispute Adjudication (ADA).
- 6.3 If the issue was referred to ADA, then an Access Dispute Adjudication Panel (ADA Panel) would be formed to consider the dispute. In doing so, the ADA Panel would take account of the guidance provided by the Board but would not be bound by it. The ADA Panel would then make a determination that was binding on the Parties concerned. This document is therefore being prepared as the vehicle for providing the guidance and the reasons for how the Board arrived at its position both to the Parties and, if necessary, to the relevant ADA Panel.
- 6.4 The Board agreed that it should seek to provide guidance that meets with the delay attribution vision:
- “For all parties to work together to achieve the prime objective of delay attribution – to accurately identify the prime cause of delay to train services for improvement purposes”.
- 6.5 The Board would need to consider if, in providing guidance, an amendment to the Delay Attribution Guide should be proposed, to improve clarity.

7 Consideration of the Issues

- 7.1 The Board at its meeting on 4th July 2017, considered the Request for Guidance and took account of the following:
- 7.1.1 The facts provided by both WCR and Network Rail in connection with the incidents disputed between the Parties and their Request for Guidance.
 - 7.1.2 The information provided by the representatives in response to questions raised by the Board prior to the Board meeting (Set out in Appendix 1).
 - 7.1.2 Additional information provided by the representatives of WCR and Network Rail at the Board meeting (Set out in Appendix 2).
 - 7.1.3 The guidance provided within the Delay Attribution Guide (as was in place at the time of the incidents, prior to the name change in this case) and any prior related DAB Guidance.
- 7.2 In coming to its conclusion the Board regarded the following points as particularly relevant:
- 7.2.1 That it was clear that investigations had not been fully completed by either Party and there was no defined process to follow for investigations into incidents of this nature.
 - 7.2.2 That the facts of the individual incidents were therefore not fully known or understood and so the Board would only be able to base its decision on the information available.
 - 7.2.3 That the incidents in dispute go back six years and so the ability for either Party to investigate the incidents further is very limited if not impossible.
 - 7.2.4 That WCR in its opening statement advised that it generally accepts instances of multiple fires based on probability.
 - 7.2.5 Improvements in standards, procedures and processes were cited but all related to post 2015 after the incidents in question occurred.
 - 7.2.6 That WCR had disputed each incident pending provision of technical locomotive investigation reports but had not subsequently provided those reports to validate its dispute.
 - 7.2.7 Whilst it was likely that investigations were conducted and concluded by Network Rail at the time of the fires, it could not provide details of those investigations.
 - 7.2.8 In at least one instance a concurrent report from a competent person was received citing emissions coming from the locomotive directly causing a lineside fire.
 - 7.2.9 The current DAPR, under Section R3 No Fault Found, does outline allocation on the basis of probability where a train or infrastructure asset is linked to more than one instance of failure.

8 Guidance of the Board

- 8.1 Based on the information presented in respect of the disputed incidents the Board agreed unanimously, the following:
 - 8.1.2 Where there were instances of multiple these should be allocated to the responsibility of WCR.
 - 8.1.3 Where a fire was reported and steam loco emissions were witnessed by a competent person these should be attributed to WCR.
 - 8.1.4 All the remaining single event fires should be accepted by Network Rail.

- 8.2 In line with the Delay Attribution Guide in force at the time, the Operator incidents should be allocated with Delay Code ME and the Network Rail incidents with Delay Codes I9 (where the fire occurred lineside) or XL (where the fire occurred off Network Rail infrastructure).

- 8.3 Whilst not directly related to these specific incidents the Board did identify a potential contradiction within the DAPR relating to fire responsibility guidance and will review this in due course.

9 Additional Notes Pertaining to this Guidance

- 9.1 It should be noted that this submission is considered as an exception to normal processes afforded to Requests for Guidance as all Guidance requests should have investigations completed and all the facts captured and agreed prior to approaching the Board. No precedence should therefore be set by this Guidance in terms of the Board accepting Guidance Requests without full investigation being completed prior to submission.

- 9.2 Provision of technical reports to substantiate a dispute should be made within the agreed timescales as set out in the Board’s Process Guide (PGD4).

- 9.3 This submission was accepted for consideration by the Board taking into account the (acknowledged) history of the relationship between the Parties and the identified need for the Board to help the Parties close out these ongoing disputes.

This guidance was approved by the Delay Attribution Board on 1 st August 2017	Richard Morris (Chairman)
Signature:	

APPENDIX A relating to the Request for Guidance Submission

Appendix A to the Request for Guidance Submission set out the details of all the fire incidents in dispute with West Coast Railway Company but due to size is not included in this Guidance Paper.

APPENDIX B relating to the Request for Guidance Submission

Chart showing fire incidents – delay caused versus non-delay caused

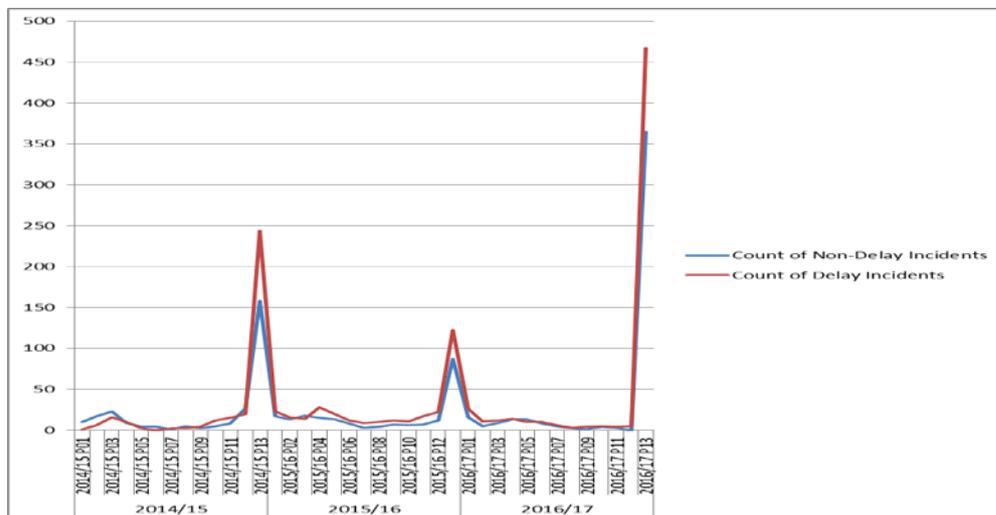
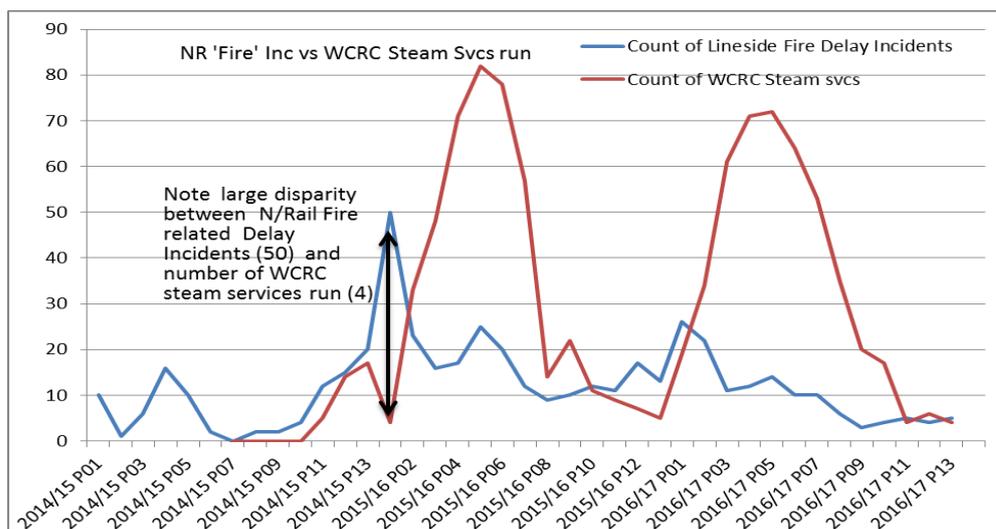


Chart showing number of lineside fires versus number of WCR steam trains run



APPENDIX C relating to the Request for Guidance Submission

West Coast Railway Internal Standard

WCR/RA/001	Issue 4a
Steam Operations Lineside FireRisk Review	30 July 2014

H-22	Lineside Fires Caused by Steam Locomotives		
R 115, 150 (part)		Workforce	Public
<p>Interpretation</p> <p>Steam locomotives can generate sparks and hot ashes that can set light to lineside vegetation. This occurs even when the locomotive is operated correctly. Main risks are lineside cable damage, or spread of fire to public/private property bordering the railway.</p>			
<p>Effect</p> <p>Injuries to public. Injuries to workforce. Damage to infrastructure.</p>			
Precursors	Mitigating Circumstances	Aggravating Circumstances	
Use of steam loco. Maintenance / operator error.	Wet weather. Coal quality. Spark arrestors very effective.	Dry weather. Spark arrestor difficult to clean. Loco performance improves when spark arrestor removed.	
<p>Control Measures</p> <p>WCR Fitment of spark arresting equipment to steam locos to control all sources of steam loco spark initiated fires. Control of loco Supplier / Maintainer, including adherence to Maintenance Plan and VMIs. Weather related risk assessments. RGS: Former GH/RT4002 SMS: WCR/WI/047</p> <p>Others Loco Supplier / Maintainer: Maintenance of loco in accordance with agreed Maintenance Plan and VMIs. Infrastructure Controller: Fire risk is addressed in the Line Standard for steam locomotives. RGS: GM/RT2004</p>			
<p>ALARP</p> <p>Believed to follow current best practice. WCR expert judgement was of the opinion that these control measures were satisfactory. Spark arrestors control the problem at source.</p>			

APPENDIX 1 relating to this Guidance Paper

Questions submitted by Board members and the respective responses from West Coast Railway Company and Network Rail in advance of the meeting.

Questions for both Parties:-

- 1) When a fire (or fires) is discovered on the line side following the passage of a steam locomotive what process should be followed by the parties, and to what extent is it followed? For example;
 - In each case can Network Rail show that it has requested a steam loco inspection report from WCR?
 - In each case where requested has WCR carried out such an inspection and responded to NR?

Answer: NR - The incident list has details of where reports from WCR were requested, but in each of the cases there is no response from WCR

Answer WCR - ALL fire events are investigated and corrective action taken where required. Details are fed back to NR when they request it.

- 2) Was there an SPIR or joint investigation for any of these fires?

Answer: NR - No

Answer: WCR – No, never.

Questions for West Coast Railway Company

- 3) Why was the fire at Grigg (of 22nd April 2017) accepted by WCR?

Answer: The loco was found to be non-compliant with group standards.

- 4) In the case of each listed incident were all loco standards met?

Answer: All steam locomotives have a daily Fitness to Run exam which include the integrity of all spark arresting equipment. This is irrespective of operator.

- 5) Have WCR supplied maintenance history reports? If not, why not?

Answer: WCR cannot recall Network Rail ever requesting details of maintenance history.

- 6) After ADA 20 further mitigations were put in by WCR to prevent live coal falling from the loco. Can WCR confirm and demonstrate that in each of the incidents listed that the preventative measures were in place?

Answer: In addition to the Fit to Run exam, the effectiveness of the spark arresting equipment is checked on live test runs at each re-commissioning of a steam loco and the integrity is independently checked as part of the annual inspection that takes place in order to enable the issuing of VoC (what used to be known as Engineering Acceptance).

Questions for Network Rail

- 7) The DAG (as was in place for these incidents) advises to attribute incidents based on the information available. What is the KNOWN (not assumed) reason for the cause of delays on each of the occasions listed?

Answer: No other reason found. Each of the fires as reported had occurred soon after a steam train had passed the location.

- 8) As per WCR opening paragraph 4.1, why haven't Network Rail shared their supporting argument with WCR and why then is this case at DAB if NR have failed to share and discuss the evidence which supports their claim?

Answer: Not sure what supporting argument WCR are referring to. WCR have had ample opportunity to engage in the resolution process. NR originally submitted a single paper due to this lack of engagement. There are also a number of other incidents in dispute (not fire related) with documented evidence of NR efforts to resolve.

- 9) Can Network Rail supply the number of lineside fire incidents in total between March 2011 and March 2015 (not just alleged WCR)?

Answer: Network Rail provided a list of fire incidents affecting the Network but is not included in this Guidance paper due to size.

- 10) In relation to WCR paragraph 4.2.8 - Were there clamp locks in the vicinity of any of the fires?

Answer: Issues with points, clamps, cables etc where identified would have been accepted by NR

- 11) On each of the lineside fires listed, what was the weather, was the vegetation cut back, was there long grass or very dry grass?

Answer: The condition of the vegetation should not be a factor. Whilst it is accepted that a fire is more likely if vegetation dry and during hot weather, it is not the vegetation that started the fire itself.

12) Can Network Rail supply the photographs of each location when the fire was put out?

Answer: No

13) WCR have stated that Network Rail have singled them out. Do other Operators of steam trains have similar incidents attributed to their responsibility in this manner (given WCR point about shared locomotive usage in paragraph 4.6.2)? If not, why not?

Answer: Yes other operators are treated the same.

14) In the Network Rail view it states sparks and hot ash can and does cause fires. However, it is not clear if this is what Network Rail assumes or believes to be the cause for the fires in these cases.

Answer: As per Appendix B. This is a WCR document that acknowledges that steam trains do cause fires. Network Rail does not assume anything however this acknowledgement should be considered where in the absence of any other reason; a steam train has recently passed through that location.

15) In the case of (quoted) ADP30 track work had been carried out the night previous, tools had been left very close to the running line and considerable damage had been done to the train. No train components were missing or dragging. Much evidence was provided to support the case. What evidence does NR have in this case to support the notion of greater probability?

Answer: In the absence of any other identified reason and a steam train had very recently passed through the section of track. The majority of lineside fires can be explained with reason identified.

APPENDIX 2 relating to this Guidance Paper

Additional information provided by Network Rail and West Coast Railway Company during further questioning by Board members at the meeting.

Q – It can be inferred from the submission that there does not seem to be a robust process to follow for the investigation of causes of lineside fires where a steam locomotive is suspected?

A – NR – Level 1 staff will investigate all sources and if no other cause is identified then it will be attributed to the Operator for them to investigate. Level 2 staff will then correspond with the Operator and continue any further investigations. In most cases WCR have not provided any investigation findings.

A – WCR – It is primarily a reactive process whereby WCR will investigate elements within their control (locomotive and crew). If a fault is found then WCR would accept the incident. Network Rail rarely provides their site investigations as evidence.

Q – It can be seen from the incident text that many of the incidents are disputed pending technical checks on the locomotive and would seem that even now those reports were never provided?

A – WCR – agreed that should not be the case and that will be taken away for review and improvement.

Q – Similarly Network Rail does not seem to have provided any reports from the MOM or any evidence from the lineside such as photos. Why were these not provided?

A – NR – Accept that those reports are not now available to share but as above Network Rail would eliminate other causes prior to attributing to the TOC.

Q – So NR is saying it is just ‘believed’ to be a steam train not demonstrated?

A – NR- Yes as before, Network Rail would eliminate other causes prior to attributing to the TOC.

Q – WCR mentioned in their opening statement they would normally accept instances of multiple fires yet sixteen of the thirty one incidents in dispute are multiple fires including one on the Chiltern lines with 7 individual fires recorded?

A – WCR – That would normally be the case and will take that issue away to discuss with our performance representative who unfortunately could not be here today.

Q – Certain other vehicles such as Rail Grinders will have mitigation on board such as water canisters should WCR consider this with the trend of fires seemingly related to steam trains?

A – WCR – The data provided shows there is no correlation between the number of steam trains running and the number of fires.

A – NR – It should be noted that the data provided is post 2015 which is after all the incidents is question so is not relevant to the time frame being debated

Q – Why did the Parties not cross the ‘investigations completed’ box on the submission?

A – WCR - Admittedly the investigations are not complete or information available due to the historic nature of the incidents. Relationships were not at their best during this time so communication issues hindered the investigations. However, relationships and process are much improved now.

Q – Are all the fires actually lineside or are some of them on external land as this would make a difference to the coding?

A – NR – not distinguishable although most of the incidents cite lineside in the incident text.

Q - Were the fire brigade generally called and what were their findings?

A – NR – As before, the reports are not available due to the time elapsed since occurrence.

NR Closing Summary:

Out of over 400 fires reported and attributed in the time frame only 31 have been allocated to WCR signifying that NR have allocated to known causes when identified and only allocate to the TOC when no other causes are found.

Reiteration was made that much of what has been cited by WCR in terms of data and improvements is all post 2015 and therefore outside the timeframe of these disputes.

WCR Closing Summary:

It should be noted that there has been occasion where a fire has been allocated to WCR when the train had a diesel locomotive substitute or has been found to be a farmer carrying out crop burning.

Whilst WCR will generally accept multiple fires, causes should still be investigated and ascertained or at least be beyond reasonable doubt not just believed to be the steam train.