



27<sup>th</sup> August 2018

Mr. Donal Keigher & Co.  
Milestone House,  
Kiltown,  
Athlone, Co. Wick.

Re: FOI request – decision letter FOI180727

Dear Mr. Donal Keigher & Co.,

I refer to the request which you have made under the Freedom of Information (FOI) Act 2014 for records held by this CRR office.

Your request sought the following;

We require a Report (hard copy) under the Freedom of Information Act 2014 in respect of the accident which took place near level crossing XA043 at or near Tullamore, County Offaly on the 28<sup>th</sup> day of June 2018

A final decision was made on your request by myself on the 27th August 2018. I may be contacted by telephone on 01-2068110 in order to answer any questions you may have, and to assist you generally in this matter.

I am informing you the record does not exist and that I must make a decision to therefore refuse your request. As is explained below, this decision is made under section 15(1)(a) of the Act.

Section 15(1)(a) of the Act states that an FOI request may be refused if:  
'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken'

By way of further explanation the record you are requesting is being refused as it does not currently exist as there is an on-going post incident inspection. This decision is being made in line with the timeframe set out in the FOI Act 2014.

Furthermore, I shall outline below for clarity the responsibilities between the CRR and the Railway Accident Investigation Unit (RAIU) bodies post an accident/incident.

The CRR post incident inspection (PII) process is described in our guideline RSC-G-023 published on the website ([www.crr.ie](http://www.crr.ie)). The CRR shall undertake a PII in order to determine:

- whether there are systemic failures and/or non-compliance with a railway organisation's Safety Management System (SMS);
- whether action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the Railway Safety Act 2005;
- lessons to be learnt and to influence the law and guidance;
- what response is appropriate to a breach of the Railway Safety Act 2005

Whereas the RAIU is responsible for identifying the causes of accidents (and in certain cases incidents) it investigates in order to improve safety, and not to allocate blame. Further information can be found on the website ( [www.raiu.ie](http://www.raiu.ie) ).

**Rights of Review:**

In the event that you are not happy with this decision you may seek a review of this decision by writing to the Freedom of Information Unit, Commission for Railway Regulation, Temple House, 57 Temple road, Blackrock, County Dublin, A94 Y5W5 seeking an internal review of the matter and referring to or enclosing a copy of this letter.

Please note that a fee applies for such a review. The level of this has been set at €30 and payment should be made by way of bank draft, money order or postal order, and made payable to Commission for Railway Regulation, Temple House, 57 Temple road, Blackrock, County Dublin, A94 Y5W5. Should you wish to make payment by electronic means please contact CRR office on 01-2068110. You should submit this within 4 weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. The making of a late appeal may be permitted in appropriate circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this body and the decision will be communicated to you within 3 weeks.

Yours sincerely,

Shane O'Duffy  
Decision maker