

Ref	NR/SP/ENV/003
Issue	2
Date	April 2004

Noise & Vibration Complaints (formerly RT/D/P/003)

This temporary front sheet facilitates change to the new Network Rail Standards referencing nomenclature.

The Ref above will be formally allocated to this standard when it is next changed in the meantime the contents, date and issue number of this Network Rail Standard are UNCHANGED and with immediate effect it should be referred to as “(new ref) formerly (old ref)”.

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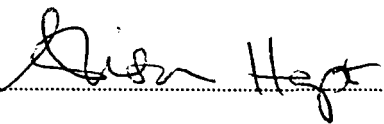
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Company Procedure

Noise and Vibration Complaints

Endorsement & Authorisation

Endorsed by:



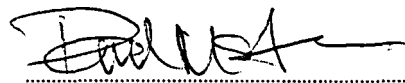
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Issue record

Issue	Rev	Date	Comments
1	A	July 1994	Original Document
2		April 2004	Organisational Change

Implementation

The provision of this procedure shall become effective from April 2004.

Compliance

This procedure shall be mandatory within Network Rail. It shall be distributed to those who will deal with noise and vibration complaints and legal Notices and Summons.

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I POLICY

I.1

Part of the Environment Policy requires Network Rail to "be sensitive to people who are affected by the Railway"

Sensitive handling of complaints, from all sources, is of great importance to the achievement of this policy.

This procedure describes how complaints arising from noise and vibration, and how the handling of legal action under the Environmental Protection Act 1990 (EPA), the Control of Pollution Act 1974 (COPA) and common law noise nuisance actions should be dealt with.

I.2

The Railway Industry has traditionally been the subject of relatively infrequent legal action against it from noise and vibration, but there is growing public sensitivity to such concerns. New railways, such as the proposed High Speed link to the Channel Tunnel are expected to be subject to draft new legislation requiring an Environmental Assessment to be carried out, and to meet statutory imposed limits on noise emitted from railway construction and operations. [Draft Noise Insulation (Railways & Other Guided Transport Systems) Regulations 1994]. This legislation will not be retrospective.

I.3

Network Rail, in common with other Companies does have statutory obligations under COPA and EPA. In order to successfully defend legal action, it will frequently be necessary for Network Rail to demonstrate that it has used the best practicable means to prevent, or to counteract the effects of noise and vibration, or establish that it has not been negligent.

I.4

Noise and vibration can arise from track defects and maintenance/ construction activities, which are Network Rail's responsibility, and/or train operations, which are the responsibility of Train Operators. The cause may arise from a multiplicity of factors, and will not always be readily apparent. Therefore the sensitive handling of complaints from all sources is of great importance. Particularly in the case of Local Authorities, early informal discussions with them and a reasonable response will normally allow the situation to be resolved without recourse to legal proceedings.

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2 SCOPE

2.1

The Procedure described in this document does not cover personal complaints by Network Rail staff or its contractors' staff concerning their occupational exposure to noise under the Noise at Work Regulations 1989.

2.2

Vibration may be considered to be a low frequency form of noise, is included under the COPA and EPA, and in this Procedure.

3 PROCEDURE FOR DEALING WITH COMPLAINTS AND CLAIMS FOR COMPENSATION

Note: This procedure is summarised as a flow chart in Appendix A.

3.1

A complaint may be received by Network Rail HQ, a Territory, an Infrastructure Contractor or be passed to Network Rail from a Train Operator or Independent Station Operator. Such complaints could arise from noise and vibration generated from the trains themselves, from the track [e.g. a low joint], from track maintenance operations, construction activities, or from a combination of them. They should in the first instance be sent to the nominated person (see 3.2) within the appropriate Territory, as the Territory has prime focus for day to day running of the railway. The initial recipient should acknowledge it and give the complainant the name of the person to whom it has been passed.

3.2

It will be for the Territory Director to determine the function and post within his organisation that will deal with noise and vibration complaints.

The nominated person will investigate and determine whether the complaint is justified. The extent of the investigation required would depend on the nature of the complaint and from whom it arises. For example, complaints arising out of construction activities received from a Local Authority may require measurements of noise levels against a set standard (e.g. BS4142). A casual complaint from a local resident, concerning a recent increase in noise may only require a track inspection. The action to be taken will be determined in accordance with the following principles:-

- If it arises from a track defect then the Territory Infrastructure Manager will determine the action to be taken.