

info@nationaltransport.ie
www.nationaltransport.ie

January 25th, 2013

Dear [REDACTED]

Our Ref No: FOI/2012/0021

I refer to the request which you made under the Freedom of Information Acts 1997 and 2003 for records held by this Body dated 17th December 2012 in relation to several issues pertaining to the Waterford to Limerick Junction railway line.

I have made a final decision to part grant your request on 25th January 2013. If you have any queries regarding this correspondence you can contact me by telephone at 01-8798360.

The purpose of this letter is to explain that decision.

As you know, we have discussed with you the records you are seeking and our difficulties in finding them. I am sorry to inform you that, other than in relation to one record pertaining to item (ii) of your request, we cannot locate the records and that I can only part grant your request.

The one record we were able to locate is an exchange of e-mails regarding certain matters that a Board member raised including in relation to the assets of the line you enquired about (the mails started before the Board meeting you mention in your request but are relevant to what was raised at the meeting – query numbered 1 in the early mails is the relevant text). You requested any records found to be accessed via electronic copy by e-mail and I am sending the record attached to an e-mail as a pdf attachment.

In relation to the other items in your request, the decision to refuse same is made under section 10(1)(a) of the Act (a copy of section 10 is enclosed for your reference).

Section 10(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.'

The reasonable steps undertaken by this Body included interviews with individual members of staff who may have dealt with such records; circulation of an e mail to relevant staff of this Body which gave the definition of the records you sought and stressed the need for all staff to carefully consider if they were aware of, or could find, any such records; a search of the electronic databases and records held by the Body and a physical search of all relevant areas of the Department in which the records sought might possibly be held.

In its search for the records, this Body has tried (as noted above) to use all practical, possible means for finding them. However, it has not found the records, or discovered any indication that they ever existed. Further, in relation to many of the items, this Body has not become aware of any reason or policy under which such records would have been created. In view of the comprehensive but unsuccessful searches described above, I find that, so far as I am able to determine, the records sought by you do not exist or cannot be found. We genuinely regret this.

You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, National Transport Authority, Dún Scéine, Iveagh Court, Harcourt Lane, Dublin 2. Your correspondence should include a fee of €75 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the national Transport Authority. You should make your appeal within 4 weeks from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. *A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not weekdays).* The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Body.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Fitzsimons', written over a horizontal line.

Peter Fitzsimons

Relevant Section from the Freedom of Information Acts 1997 and 2003

Section 10._(1) A head to whom a request under *section 7* is made may refuse to grant the request if

- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,
- (b) the request does not comply with *section 7 (1) (b)*,
- (c) in the opinion of the head, granting the request would, by reason of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of the other work of the public body concerned,
- (d) publication of the record is required by law and is intended to be effected not later than 12 weeks after the receipt of the request by the head,
- (e) the request is, in the opinion of the head, frivolous or vexatious, or forms part of a pattern of manifestly unreasonable requests from the same requester or from different requesters who, in the opinion of the head, appear to have made the requests acting in concert or
- (f) a fee or deposit payable under *section 47* in respect of the request concerned or in respect of a previous request by the same requester has not been paid.

(2) A head shall not refuse, pursuant to *paragraph (b) or (c) of subsection (1)*, to grant a request under *section 7* unless he or she has assisted, or offered to assist, the requester concerned in an endeavor so to amend the request that it no longer falls within that paragraph.

Anne Graham

From: Cunningham Don <Don.Cunningham@irishrail.ie>
Sent: 19 May 2012 10:25
To: Anne Graham
Subject: RE: Some questions
Attachments: ATT00001.txt

Ann,

The choice on the trackwork is really remove or replace as the points are in a very degraded state and pose a potential safety risk. In the current circumstances the decision has been taken to remove the points given the current traffic levels and the cost of replacement. In response to your question re could the gates be controlled from the signal cabin, we could always put in some arrangement but it would not impact on the decision to remove the points thus negating the need for the use of the cabin and it would add further cost.

I did meet with Jim Deegan on Thursday and explained these issues to him, primarily that the points are very bad and need removal. We are aware this affects capacity etc on the line but it is currently not required and can be replaced if required. Hope that assists you, regards Don.

From: Anne Graham [Anne.Graham@nationaltransport.ie]
Sent: 18 May 2012 13:27
To: Cunningham Don
Subject: RE: Some questions

Don, Thanks for the information. Just one follow up question in relation to 1) Is it possible to that the level crossing gates at Carrick-on-Suir can be controlled from the signal cabin hydraulically at low cost without having to do the track works as planned? Regards, Anne

From: Cunningham Don [<mailto:Don.Cunningham@irishrail.ie>]
Sent: 14 May 2012 19:24
To: Anne Graham
Subject: RE: Some questions

Ann,

In response to your queries please see the replies below.

- 1) I presume this refers to the signal cabin at Carrick on Suir where the cabin will be made redundant as a result of necessary track works due to the very degraded condition of the track in this area. There are no plans currently to demolish the cabin.
- 2) This line was sprayed last year and due to access issues was sprayed manually. Due to the line not being in service, the current cost situation and the urgent need to curtail expenditure this work is not priority and will not be done.
- 3) It is the intention of IE that this bridge will be replaced and the issue is being progressed through our insurers.
- 4) This work was done in agreement with IE and the track has remained in situ. There is no weed spraying requirement at this time for this section of the network.

I trust this provides you with sufficient information to your queries, if I can be of any further assistance please let me know, regards Don.

From: Anne Graham [<mailto:Anne.Graham@nationaltransport.ie>]
Sent: 04 May 2012 17:56
To: Cunningham Don
Subject: Some questions

Hi Don,

Hope you're keeping well. We have a few queries in relation to the maintenance of the infrastructure that you might be able to assist us on:

- 1) We believe that a signal cabin is being demolished on the Waterford – Limerick junction line. Can you confirm that the demolition and any changes proposed would not impact on the capacity of the line for any future services.
- 2) Will the weedspraying train cover the Tegral line ?
- 3) The bridge that was hit in Kingscourt, has it been replaced or what are your plans?
- 4) The Cement siding into Castle Mungret has been asphalted over by the local authority. Was that with the agreement of Irish Rail? Is there any need for it to be sprayed for weeds?

Regards,

Anne