

23 August 2016

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By e-mail to: [REDACTED]

Re: Our Ref No: FOI/2016/0034

Dear [REDACTED]

I refer to your request dated 24th July 2016 made under the Freedom of Information Act 2014, which was received on 25th July 2016 for records held by the National Transport Authority. Your request sought:

1. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of the Barrow railway bridge (UBH140 South Wexford line) between July 25th 2010 and July 25th 2016*
2. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of Taylorstown viaduct (UB171 South Wexford line) between July 25th 2010 and July 25th 2016*
3. *A list setting out the dates of the Authority's auditing of Iarnrod Éireann asset management plan vis a vis the Rosslare Strand – Wellingtonbridge-Belview line*
4. *Contents of the last 3 such audits*
5. *A copy of the bridge list as being monitored by Dr. McKeogh of UCC and a list of additions and deletions with attendant reasons from September 2010 to July 25th 2016*
6. *Records showing inspection frequencies of Snowhill Tunnel (South Wexford line) and key findings*
7. *A record showing the dates on which hedge cutting has been performed along the line between September 2010 and July 25th 2016*

As outlined in my letter of 8th August 2016 I have transferred part 5, 6, and 7 of your request to the FOI officer of Iarnród Éireann on the basis that they are most closely related to the subject matter of the records and are the most appropriate FOI body, having regard to the details of your request.

Regarding items 1, 2, 3 and 4 I have made a final decision to part grant your request today, 23rd August 2016. If you have any queries regarding this correspondence you can contact me by telephone at 01-8798393.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. concerning records to which access is granted, an explanation and a statement of the arrangements for this access and its form;
3. concerning records to which access is denied, an explanation of the relevant findings; and

4. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these four parts in turn.

1. Schedule of records

A schedule of records is attached at the end of this letter. It shows the documents that the Authority considers relevant to your request. It indicates whether the document is released in full, released with deletions or not released. The schedule refers to the sections of the FOI Act which apply to prevent release.

2. Access Arrangements

You have indicated that you wish to receive the records by e-mail and therefore I will forward the documents via e-mail to you at [REDACTED]. Accordingly, the records described as released in full or released with deletion are now attached.

3. Findings, particulars and reasons for decisions to deny access.

In this section I reproduce the items of your request and then describe what records are being released and any which aren't and the reasons for same. To help to understand how the records have been identified, I refer you to the schedules attached. Each schedule has been allocated a letter (Schedules A to C) and each record on the schedule then has an alpha-numeric identifier e.g. Schedule A refers to records related to *1. Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of the Barrow railway bridge (UBH140 South Wexford line) between July 25th 2010 and July 25th 2016* while Schedule B refers to *2. Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of Taylorstown viaduct (UB171 South Wexford line) between July 25th 2010 and July 25th 2016*, etc.. Where there has been a chain of e-mails rather than reproduce each individual e-mail I have released the last in the exchange.

Abbreviations have been used in places as follows: RR refers to [REDACTED], IÉ refers to Iarnród Éireann, and NTA refers to National Transport Authority.

The search for relevant documents included a search of the physical files held by the Authority, the electronic files held by the Authority, and a request issued to the relevant personnel of the Authority and interviews with same.

Your request is as follows:

1. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of the Barrow railway bridge (UBH140 South Wexford line) between July 25th 2010 and July 25th 2016*
2. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of Taylorstown viaduct (UB171 South Wexford line) between July 25th 2010 and July 25th 2016*
3. *A list setting out the dates of the Authority's auditing of Iarnrod Éireann asset management plan vis a vis the Rosslare Strand – Wellingtonbridge-Belview line*
4. *Contents of the last 3 such audits*
5. *A copy of the bridge list as being monitored by Dr. McKeogh of UCC and a list of additions and deletions with attendant reasons from September 2010 to July 25th 2016*
6. *Records showing inspection frequencies of Snowhill Tunnel (South Wexford line) and key findings*

7. *A record showing the dates on which hedge cutting has been performed along the line between September 2010 and July 25th 2016*

Records are listed in the Schedule as follows: Schedule A relates to:- 1. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of the Barrow railway bridge (UBH140 South Wexford line) between July 25th 2010 and July 25th 2016*

Schedule B relates to:- 2. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of Taylorstown viaduct (UB171 South Wexford line) between July 25th 2010 and July 25th 2016*

Schedule C relates to :- 3. *A list setting out the dates of the Authority's auditing of Iarnrod Éireann asset management plan vis a vis the Rosslare Strand – Wellingtonbridge-Belview line* And 4. *Contents of the last 3 such audits*

In relation to part 1. of your request I am sorry to inform you that we cannot locate any records relevant to your request and that I must therefore refuse your request on the following element:-

1. *Correspondence between the Authority and Iarnrod Éireann regarding the maintenance of the Barrow railway bridge (UBH140 South Wexford line) between July 25th 2010 and July 25th 2016*

As is explained below, this decision to refuse is made under section 15(1)(a) of the FOI 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,'

In accordance with the requirements of section 15(1)(a) I am satisfied that all reasonable steps have been taken to identify any records in relation to your request and they do not exist. I am unable to locate any relevant records and must therefore refuse your request on this basis.

Part of record B1 is refused under the following section of the Act, namely Section 37(1). Section (37)(1) of the Act states *Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).*

Following consideration the contents of all of the records I have decided, on the above grounds,

- to release a considerable number of records in full and
- to only partially release some records for example B1 (the relevant information having been redacted)

4. Rights of appeal

You may appeal this decision. Please note that a fee applies for an appeal. The level of this has been set at €30 (€10 for medical card holders). In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, at the address below enclosing the appropriate fee. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to the National Transport Authority.

Freedom of Information Unit
National Transport Authority
Dún Scéine
Iveagh Court
Harcourt Lane
Dublin 2

You should make your appeal within 4 weeks (20 working days) from the date of this notification; however, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the Authority.

Yours sincerely,

Charlie Brophy
Economist

Reference: 1. Correspondence between the Authority and Iarnród Éireann regarding the maintenance of the Barrow railway bridge (UBH140 South Wexford line) between July 25th 2010 and July 25th 2016					
				Reference: FOI 2016-0034	Schedule A.
Record No.	Brief description of record:	Dated:	No. of Pages	Decision:	Basis of refusal (if any):
No records exist.					FOI ACT 2014 --- Section 15(1)(a)

Reference: 2. Correspondence between the Authority and Iarnród Éireann regarding the maintenance of Taylorstown viaduct (UB171 South Wexford line) between July 25th 2010 and July 25th 2016					
				Reference: FOI 2016-0034	Schedule B.
Record No.	Brief description of record:	Dated:	No. of Pages	Decision:	Basis of refusal (if any):
B1	Email from RR to NTA which NTA forwarded to IÉ	19/10/2015	4	Partial release	FOI ACT 2014 --- Section 37(1)

Reference: 3. A list setting out the dates of the Authority's auditing of Iarnród Éireann asset management plan vis a vis the Rosslare Strand – Wellingtonbridge-Belview line and 4. Contents of the last 3 such audits					
And Reference: 4. Contents of the last 3 such audits					
		Reference: FOI 2016-0034			
		Schedule C.			
Record No.	Brief description of record:	Dated:	No. of Pages	Decision:	Basis of refusal (if any):
C1	Review of Asset Management proposals for the Belview - Rosslare Strand Line following service withdrawal By Jacobs Consultancy	December 2010	16	Release	
C2	Post-Completion Audit report of Irish Rail's Asset Management Regime for the Belview-Rosslare Strand Line following service withdrawal By Leigh Fisher Management Consultants	March 2012	17	Release	

