

Oliver Stewart
RAIB Recommendation Handling Manager



8 August 2022

Mr Andy Lewis
Deputy Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Andy,

RAIB Report: Fatal accident involving a train passenger at Twerton on 1 December 2018

I write to provide an update¹ on the action taken in respect of recommendations 2 & 4 addressed to ORR in the above report, published on 16 October 2019.

The annex to this letter provides details of actions taken in response to the recommendations and the status decided by ORR. The status of recommendations 2 & 4 is '**Implemented**'.

We do not propose to take any further action in respect of the recommendations, unless we become aware that any of the information provided has become inaccurate, in which case I will write to you again.

We will publish this response on the ORR website on 9 August 2022.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Oliver Stewart', written in a cursive style.

Oliver Stewart

¹ In accordance with Regulation 12(2)(b) of the Railways (Accident Investigation and Reporting) Regulations 2005

Recommendation 2

The intent of this recommendation is to improve heritage railways' management of the risk associated with passengers leaning out of vehicles.

Operators of heritage railways, using stock that passengers could lean out of, should review their risk assessments for people leaning out and implement any additional mitigation measures necessary to achieve an acceptable level of safety.

ORR decision

1. There are more than 200 heritage and minor railways in the UK where ORR is the enforcing authority. Most of those operate rolling stock with the potential for passengers to lean out of, so the recommendation was widely applicable across the heritage sector.
2. In July 2019, prior to the publication of the RAIB report, ORR wrote to the larger heritage railways requiring them to review their risk assessments and offering guidance on the types of factors they should consider when doing so. We also asked the Heritage Railway Association (HRA) to publicise the matter amongst all their members and used a number of social media platforms and press publications to publicise our expectations. We did not require any feedback from operators.
3. When the Twerton RAIB report was published, we wrote to the 50 largest heritage railways (based on number of passengers carried) asking them to act upon recommendation 2. We referred to our correspondence in July 2019, prior to the RAIB report being published.
4. Initially the number of responses received was limited, largely due to the impact of the Covid-19 pandemic on the heritage sector. We have since received responses from over 40 of the 50 largest operators setting out actions taken to assess the risk of passengers leaning out of a vehicle, or why no action is needed. Our review of the responses from heritage railways to the recommendation did not identify any issues of concern.
5. We have written to the others noting their lack of response and that we would take that into consideration if a similar event occurred on that railway.
6. We wrote to the other heritage railways, including as guidance the letter we sent to the 50 largest, but not seeking a response.
7. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, operators of heritage railways have:
 - taken the recommendation into consideration; and
 - where needed, taken action to implement it

Status: Implemented.

Previously reported to RAIB

8. On 15 October 2020 ORR reported the following:

The recommendation was addressed to the 50 largest heritage railways by number of passengers carried. To date we have only received responses from around 15 of these railways. Given the widespread furloughing staff and threat of closure in the heritage sector earlier in the year, we have written to them again as a greater number are now operating.

Following the Balham fatality we wrote to HRA in July 2019 asking them to publicise the issue of passengers leaning out of droplight windows and the need to do risk assessment.

Update

9. We wrote again to the 50 largest heritage operators in October 2020 and July 2022 asking them to address the recommendation.

Recommendation 4

The intent of this recommendation is to ensure that the advice contained in the relevant Railway Group Standards or Railway Industry Standards in relation to warning signs on rolling stock, accurately reflects the level of risk associated with the hazard to be mitigated.

RSSB should review its existing guidance to train operators on the design of emergency and safety signs. It should then, as necessary, revise it and prepare new guidance (possibly associated with the Technical Specifications for Interoperability for Persons with Reduced Mobility). Guidance should be prepared in consultation with train operators and should suggest designs of emergency and safety signs that are appropriate and commensurate with the risk to passengers being managed. Specific consideration should be given to the types of warning signs to be displayed on and around external doors with opening windows.

ORR decision

10. Further to our initial response to this recommendation, RSSB has issued guidance for the application of the PRM TSI (GEGN 8615).

11. The recommendation is concerned with RSSB reviewing its existing guidance to train operators on the design of emergency and safety signs. Due to the inherent weakness of signs and warning as a risk control, we challenged RSSB to use guidance to place greater emphasis on companies to first consider more reliable/higher steps in the control hierarchy, such as engineering controls.

12. To address this point GEGN-8615 now includes:

- Reference at G3.8.2.3 to HSE's Guidance for Safety Signs and Signals of 2015 <https://www.hse.gov.uk/pubns/priced/l64.pdf> (paras 14 to 16 of HSE's booklet refer to other means of controlling risk).
- More detailed info on the hierarchy of risk control at G3.8.2.6 to G3.8.2.8
- A link to the further risk control hierarchy guidance in RIS-0733-CCS.

13. On the basis of these actions, ORR has concluded that RSSB guidance in relation to warning signs on rolling stock more accurately reflects the level of risk associated with the hazard to be mitigated.

14. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB has:

- taken the recommendation into consideration; and
- has taken action to implement it

Status: Implemented.

Previously reported to RAIB

15. On 15 October 2020 ORR reported the following:

RSSB has updated its industry guidance (RIS) around risk assessing the signs needed displaying safety related information to train passengers. A longer term project is underway to issue guidance for the PRM TSI.

Update

16. On 21 September 2021 RSSB provided the following update:

As noted in previous monthly updates, RSSB accepted the recommendation, which it had already partly addressed in RIS-2730-RST issue 1 (Vehicle Fire Safety and Evacuation).

A wider piece of work – a guidance note on the Technical Specifications for Interoperability for Persons with Reduced Mobility – was also set in motion. As part of this project, RSSB consulted industry to establish if they want work to be undertaken centrally by RSSB to design signs that are commensurate with the risk to passengers being managed, or if this work should be undertaken by individual operators.

By October 2020, the guidance note (designated GEGN8615) had been prepared and approved for consultation by the Infrastructure and Rolling Stock Standards Committees. The consultation process closed on 25 January 2021. After addressing all comments received, the document was presented to the Rolling Stock Standards Committee on 12 March and the Infrastructure Standards Committee on 16 March for approval to publish. Both Committees granted that approval.

As a result, Guidance Note GEGN8615 (Application of the PRM NTSN) was published in June 2021 (attached). It gives an outline of the ‘hierarchy of risk control’ in the context of safety sign development (clauses G3.8.2.6 to G3.8.2.8), and points to further guidance in [RIS-0733-CCS](#).

The process also involved amendments to RIS-2730-RST Issue 1 to produce [RIS-2730-RST Issue 1.1](#) (Vehicle Fire Safety and Evacuation). This was published in September 2021 and, like Issue 1, includes guidance to create and maintain a risk assessment to establish the need for and type of warning signs required on and around external doors with opening windows (p.16):

G 2.9.9 It is good practice to create and maintain a risk assessment to establish the need for and type of signs required. For example, where there is a risk of serious injury or death, a prohibition sign is likely to be more appropriate than a warning sign. See RAIB report 14/2019 into the fatal accident at Twerton.

Given the foregoing, we now consider the recommendation closed.



GEGN8615 Iss 1 (1)
(002).pdf

Previously reported to RAIB

Recommendation 2

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Operators of heritage railways, using stock that passengers could lean out of, should review their risk assessments for people leaning out and implement any additional mitigation measures necessary to achieve an acceptable level of safety.

ORR decision

1. The recommendation was addressed to the 50 largest heritage railways by number of passengers carried. To date we have only received responses from around 15 of these railways. Given the widespread furloughing staff and threat of closure in the heritage sector earlier in the year, we have written to them again as a greater number are now operating.
2. Following the Balham fatality we wrote to HRA in July 2019 asking them to publicise the issue of passengers leaning out of droplight windows and the need to do risk assessment.
3. We will provide RAIB with a more detailed update on actions being taken in the heritage sector once we have received more responses to the recommendation.

Status: Progressing

Recommendation 4

The intent of this recommendation is to ensure that the advice contained in the relevant Railway Group Standards or Railway Industry Standards in relation to warning signs on rolling stock, accurately reflects the level of risk associated with the hazard to be mitigated.

RSSB should review its existing guidance to train operators on the design of emergency and safety signs. It should then, as necessary, revise it and prepare new guidance (possibly associated with the Technical Specifications for Interoperability for Persons with Reduced Mobility). Guidance should be prepared in consultation with train operators and should suggest designs of emergency and safety signs that are appropriate and commensurate with the risk to passengers being managed. Specific consideration should be given to the types of warning signs to be displayed on and around external doors with opening windows.

ORR decision

4. RSSB has updated its industry guidance (RIS) around risk assessing the signs needed displaying safety related information to train passengers. A longer term project is underway to issue guidance for the PRM TSI.

5. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, RSSB has:

- taken the recommendation into consideration; and
- is taking action to implement it, but ORR has yet to be provided with a timebound plan.

Status: Progressing. ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

Information in support of ORR decision

6. On 14 February 2020 RSSB provided the following initial response:

RSSB accepts the recommendation, which it has already partly addressed in RIS-2730-RST issue one Vehicle Fire Safety and Evacuation (scheduled for publication in June 2020). The RIS includes guidance to create and maintain a risk assessment to establish the need for and type of signs required. The RIS also directs readers to the Twerton RAIB report.

A wider piece of work – a guidance note on the Technical Specifications for Interoperability for Persons with Reduced Mobility (as referenced in the recommendation) – is also under way. As part of this project, RSSB will consult industry to establish if they want work to be undertaken centrally by RSSB to design signs that are commensurate with the risk to passengers being managed, or if this work should be undertaken by individual operators. This guidance note will be subject to due industry process, Standards Committee approval and industry consultation. Development of the guidance note is also specifically included in the RSSB Business Plan for 2020-21, to be published shortly.