

Oliver Stewart
RAIB Recommendation Handling Manager



11 October 2022

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

Dear Andy,

RAIB Report: Collision at Frogna Farm User Worked Crossing on 23 October 2017

I write to provide an update¹ on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 23 August 2018.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 1 is **'Implemented'**.

We do not propose to take any further action in respect of the recommendation, 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 12 October 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 1

The intent of this recommendation is to enable crossing users who may be unfamiliar with user worked crossings to safely operate and traverse such crossings, in view of the increasing number of reasons that people may need to use user worked crossings without necessarily having been briefed on their use.

Network Rail, with Office of Rail and Road and Department for Transport support, should review and revise the information offered to users of private level crossings, including consideration of signage wording and diagrams, the conspicuity and placement of signage, and the actions that the user needs to take, including operation of the gates or barriers, and communication with the signaller. The review should also consider, alongside the presentation of information, practicality and feasibility of the current arrangements by which authorised users are expected to brief and inform other potential users of the crossing, in view of the increased dependence of occupiers on delivered goods and services from a plethora of sources, and other factors which may increase the number of crossing users (paragraphs 129a.i, 129a.iii, 129a.iv).

ORR decision

1. Network Rail has taken action on both aspects of the recommendation, by producing new signs to use at user worked crossings and are rolling them out on a site by site basis while the updated signage regulations are being progressed by the Department for Transport. Network Rail has also addressed the authorised user aspect of the recommendation by producing improved briefing materials and by acting on DfT's clarification on the responsibilities of authorised users, as landowners, in the consultation on the new signs.
2. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
 - taken the recommendation into consideration; and
 - has taken action to implement it

Status: Implemented.

Previously reported to RAIB

3. On 13 August 2019 ORR reported the following:

We have asked Network Rail to share with us the review which was used to develop the action plan for recommendation 1. We want to understand the consideration given to the practicality and feasibility of the current arrangements by which authorised users are expected to brief and inform other potential users of a crossing.

Update

4. On 10 August 2022 Network Rail provided the following closure statement:



20220804 Frognal
Farm 1 closure paper.

Previously reported to RAIB

Recommendation 1

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ORR decision

1. We have asked Network Rail to share with us the review which was used to develop the action plan for recommendation 1. We want to understand the consideration given to the practicality and feasibility of the current arrangements by which authorised users are expected to brief and inform other potential users of a crossing.
2. After reviewing the information provided ORR has concluded that, in accordance with the Railways (Accident Investigation and Reporting) Regulations 2005, Network Rail has:
 - taken the recommendation into consideration; and
 - is taking action to implement it, but ORR has yet to be provided with a clear justification for taking the measures identified.

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

3. On 9 January 2019 Network Rail provided the following initial response:
Network Rail accepts this recommendation and will address the intent through the delivery of two distinct workstreams.

The first of these targets level crossing signage and improving user instructions on safe crossing protocol. Network Rail is already working collaboratively with ORR and DfT colleagues to develop and deliver new signs at private level crossings. These

signs build on the ergonomic studies delivered by RSSB research paper T983, Signs at private road level crossings, and feature new pictograms and instructional language to enhance the clarity of instruction for each user group.

The new signs require ergonomic trials, DfT approvals and standards change protocols to be effectively delivered before they are available for progressive rollout across the estate. Taking account of these deliverables, which incorporates enhancements to standards and guidance relating to the placement and conspicuity of signs, it is expected that new signage and associated guidance will be available from September 2019.

Once this recommendation is completed, the new signs are available, they will be progressively changed, ultimately to meet revised legislation – The Private Crossings (Signs and Barriers) Regulations 1996.

These new signs will deliver the intent of this recommendation in relation to improved safety information at site, specifically enhancing user comprehension by those who are less familiar with crossing operation.

The second of these two workstreams will focus on improving and standardising authorised user briefing material relating to safe crossing protocol. New briefing material will encompass:

- Safe use and operation of respective UWC, UWCT and UWCMSL assets, including communications with Signallers and compliance with level crossing equipment;*
- Legal obligations of authorised users to cascade safe crossing protocol to invitees;*
- Responsibilities of invitees to adhere to safe crossing protocols; and*
- Other pertinent information such as good practice pointers on cascading of information, for example incorporation within delivery instructions when ordering goods or services online.*

Enhanced authorised user briefing material is targeted for delivery on or before 31/08/2019.