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8 February 2023

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

Dear Andy,

**RAIB Report: Near miss at Coltishall Lane User Worked Level Crossing,
Norfolk on 21 January 2021**

I write to provide an update¹ on the action taken in respect of recommendations addressed to ORR in the above report, published on 14 April 2022.

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 1 & 2 is '**Closed**'. RAIB addressed recommendation 3 directly to the Department for Transport.

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 February 2023

Yours sincerely,

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

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

Initial consideration by ORR

1. Recommendations 1 & 2 were addressed to ORR when the report was published on 14 April 2022. RAIB addressed recommendation 3 directly to the Department for Transport.
2. After considering the recommendations ORR passed recommendations 1 & 2 to Network Rail asking them to consider and where appropriate act upon them and advise ORR of its conclusions. The consideration given to each recommendation is included below.
3. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

Recommendation 1

The intent of this recommendation is that Network Rail reduces the risk of accidents at vehicular user worked crossings which may see significant use by road vehicle users who are unfamiliar with the crossing.

Network Rail should assess the risk at vehicular user worked crossings on public roads and on private through roads, which may see significant usage by road vehicle users unfamiliar with the crossing, or where several road vehicle users may intend to use the crossing simultaneously. This assessment should be conducted in line with current industry good practice and should consider factors not captured by its current risk assessment processes. Network Rail should develop a programme to implement the closure, replacement and safety improvement of such crossings based on the results of these assessments.

As part of this process, Network Rail should consider what actions should be adopted to control the risks identified during the period in which longer term actions are being implemented

ORR decision

4. Network Rail is satisfied with the robustness of its level crossing risk assessment process and concluded that it is not reasonably practicable to manage safety risk and target safety expenditure based on emergencies/unplanned events such as that which occurred at Coltishall level crossing on 21 January 2021.
5. To manage the risk of a similar occurrence, Network Rail is engaging with highways agencies to make clear that routes over level crossings of this type should never form part of contingency arrangements for planned diversions.
6. ORR, Network Rail and DfT are engaged in activity to introduce the new suite of signs at user worked level crossings and are developing a policy to support the use of miniature stop lights at user worked crossings on public roads.

7. 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
- taken action to implement it

Status: Closed.

Information in support of ORR decision

8. On 19 August 2022 Network Rail provided the following closure statement:



N203-05 Coltishall
Lane 1.docx

Recommendation 2

The intent of this recommendation is that Network Rail, the Office of Rail and Road and the Department for Transport improve signage at vehicular user worked crossings which may share features identified in this investigation.

Network Rail, the Office of Rail and Road and the Department for Transport, as part of the current initiatives on improving signage at vehicular user worked crossings on private roads, should consider the suitability of these signs for vehicular user worked crossings on public roads, or on crossings that share features similar to those identified in this investigation, taking into account the findings of Recommendation 1

ORR decision

9. Network Rail accept and close this recommendation on the basis of work already underway to update The Private Crossings (Signs and Barriers) Regulations 1996. The project has led to the development of improved user instructions through the use of enhanced layout and visuals within new signs.

10. Once legislative changes have been made, Network Rail will undertake a risk-based programme to update signage at level crossings across the network. At the time of writing, parliamentary time is anticipated in early 2023 as part of the formal process to secure legislative change.

11. 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
- taken action to implement it

Status: Closed.

Information in support of ORR decision

12. On 29 November 2022 Network Rail provided the following closure statement:



[N207-05] Coltishall
Lane Rec 2.docx

Recommendation 3

The intent of this recommendation is to evaluate the extent to which recent guidance on the drafting and making of level crossing orders will better enable the implementation of improved safety measures (such as the adoption of non-prescribed signage) by level crossing operators, and to identify the scope for any further improvement.

The Department for Transport, in consultation with the Office of Rail and Road and Network Rail, should review the current mechanisms for improving safety measures at level crossings. This should evaluate the extent to which new ORR guidance on the application of the level crossing order process (and new level crossing order templates) will facilitate the effective management of risk by level crossing operators and consider if there is a need for further changes to the process. The findings of the review should be used to inform future policy relating to level crossing safety

ORR decision

13. We will run a post implementation review (PIR) on our level crossing order policy document. DfT will provide input to the PIR, which we understand will be their process for addressing the RAIB recommendation.