

**Oliver Stewart**  
**RAIB Recommendation Handling Manager**



25 November 2024

Mr Andy Lewis  
Deputy Chief Inspector of Rail Accidents

Dear Andy,

**RAIB Report: Track worker struck by a train near Surbiton station, south-west London on 9 February 2021**

I write to provide an update<sup>1</sup> on the action taken in respect of recommendation 1 addressed to ORR in the above report, published on 25 May 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 recommendation 1 is '**Closed**'.

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.

Yours sincerely,

Oliver Stewart

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<sup>1</sup> 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 prevent accidents and near misses due to staff working on or near the line moving beyond safe working limits.*

Network Rail should review whether safe systems of work in which staff are working on or near the line, and where some or all lines remain open to traffic, incorporate adequate risk controls so that members of the work group remain within the designated safe limits. The review should consider including the role of appropriate technology and whether having members of the work group undertaking multiple tasks could compromise risk controls. Network Rail should implement any necessary changes identified in accordance with a timebound plan.

### ORR decision

1. The recommendation consists of two parts: a review of the adequacy of risk controls for safe systems of work to keep staff within a designated boundary; and the role of technology in marking the boundary.
2. The move away from red zone working has significantly reduced the risk of railway staff being struck by trains whilst on or near the line. In order to minimise numbers, there is also a requirement to review the numbers of people necessary to do a job in the 019 standard.
3. We agree that distraction is an issue and that the extent to which a COSS could supervise the safe system of work and participate in work would depend on the working arrangements in place. We note that in this accident the safe system of work was working as intended and the deceased unexpectedly and unnecessarily moved into the path of the oncoming train, possibly because they were distracted by the task in hand. The accident highlights the fundamental weakness of warning systems of work, relying on lookouts and warnings and constant situational awareness. Red zone working is now substantially reduced, largely replaced by line blockages and possessions. Both require the use of site wardens when working next to open lines, thereby much reducing the risk of inadvertently straying onto open lines. Currently we consider that improvements in protection have delivered substantial reductions in distraction risks, and that this represents substantial compliance with the recommendation.
4. In terms of using technology to mark the boundary of a worksite where the adjacent line is open, Network Rail have reviewed geo-fencing/positioning and concluded the technology is not yet mature enough to reliably provide the required accuracy to keep people clear of adjacent running lines. Currently it is not anticipated that the technology will improve sufficiently to be useful and product acceptance has been amended. It also does not 'fail-safe' by providing warning when it fails, or when accuracy is compromised. Network Rail is currently considering whether to continue to pursue this.

5. 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 close it

**Status: Closed.**

### **Previously reported to RAIB**

6. On 24 May 2023 ORR reported the following:

Since the incident in February 2023, Network Rail has almost completely eliminated the use of lookout protection.

Network Rail is exploring technology to control the risk of members of work groups moving beyond the safe work limits of a work site as part of the strategy for CP7, but a clear plan and timescales is not yet in place. In addition, the Network Rail Safety Task Force has issued guidance to help routes identify and implement potential technological solutions, as required by sections 3, 4 and 5 of the Compliance Criteria for the ORR's Technology Improvement Notice.

### **Update**

7. On 16 April 2024 Network Rail provided the following closure statement:



[N225-14] Surbiton  
Rec 1.docx

## Previously reported to RAIB

### Recommendation 1

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### ORR decision

1. Since the incident in February 2023, Network Rail has almost completely eliminated the use of lookout protection.
2. Network Rail is exploring technology to control the risk of members of work groups moving beyond the safe work limits of a work site as part of the strategy for CP7, but a clear plan and timescales is not yet in place. In addition, the Network Rail Safety Task Force has issued guidance to help routes identify and implement potential technological solutions, as required by sections 3, 4 and 5 of the Compliance Criteria for the ORR's Technology Improvement Notice.
3. 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 close it.

**Status: Open.**

### Information in support of ORR decision

4. On 4 October 2022 Network Rail provided the following initial response:

#### Action Plan

#### Please provide milestones with dates

Since the accident Network Rail have now reduced the use of Unassisted Lookout (approx. 1% usage now) and from 3<sup>rd</sup> September 2022 can only be used with Director level sign off as per NR/L2/OHS/019 version 11. Changes to the hierarchy in the standard has clarified the types of protection / warning and be used to meet the Rule Book change of December 2020.

Therefore, with the changes mentioned above Network Rail will focus on the Technology part of the recommendation, to do this Network Rail will:

- Contact RSSB (Daryll Hopper) regarding their review of Human Factors with the intention of working with them to develop industry recommendations.
- These will be used to form deliverables within the CP7 strategy plan
- Use the recommendations to help inform when technology is used for example: NR/L2/OHS/501 – Track Warning Systems – Module 4 Geofencing

**Evidence required to support closure of recommendation**

Latest version of NR/L2/OHS/019 version 11 hierarchy  
RSSB recommendations