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Mr Simon French  
Chief Inspector of Rail Accidents  
Cullen House  
Berkshire Copse Rd  
Aldershot  
Hampshire GU11 2HP

Dear Simon,

**RAIB Report: Road vehicle incursion onto the railway at Aspatria, Cumbria**

I write to report<sup>1</sup> on the consideration given and action taken in respect of recommendation 2 addressed to ORR in the above report, published on 26 June 2014.

The annex to this letter provides details of the consideration given/action taken in respect of this recommendation. In summary, ORR is awaiting the completion of recommendation 1, which was addressed to the Department for Transport, before reviewing the status of recommendation 2.

We will publish this response on the ORR website on 12 June 2015.

Yours sincerely,

**Andrew Eyles**

**Recommendation 1**

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

*The intent of the recommendation is to reduce road vehicle incursion risk by ensuring that the risk of vehicles from side roads, including running downhill onto the railway, is properly taken into account when sites are risk ranked.*

The Department for Transport, in liaison with highway authorities and railway infrastructure managers, should review and amend the current guidance 'Managing the accidental obstruction of the railway by road vehicles' published in 2003 so that it adequately takes into account in the risk ranking process for neighbouring sites the risk of road vehicles on side roads, including those that are unattended, running downhill onto a railway. The guidance, when amended, should clearly describe how this risk should be derived and included in the overall risk ranking score.

1. The draft RAIB Annual Report for 2014 states that:

*DfT advise that this recommendation is to be addressed at the UK Bridges Board.*

2. Until the beginning of April ORR had no responsibility for hastening a DfT response, however we have been in contact with DfT and understand that no progress has been made to date by the UK Bridges Board on taking action to implement this recommendation.

3. At the beginning of April 2015 ORR signed an agency agreement with the Health and Safety Executive to clarify the enforcement responsibilities in respect of road vehicle incursion risk. This agreement confirms ORR's role as the enforcement authority in circumstance where there is a road vehicle incursion risk to the railway from a road. We are in the process of reviewing our regulatory approach following clarification of these responsibilities and will write to DfT to push for progress on this recommendation.

## **Status: Other Public Body or Authority**

### **Recommendation 2**

*The intent of the recommendation is to provide additional mitigation against road vehicle incursions from side roads, including where vehicles may run downhill onto the railway.*

Following the completion of Recommendation 1 above, railway infrastructure managers, with highway authorities, should use the new guidance to implement a time-bound plan to review the risk ranking scores for sites where there is a significant risk from side roads, in particular with respect to road vehicles running downhill onto a railway. Additional risk mitigation measures justified by increased risk ranking scores should be considered and implemented

**Steps taken or being taken to address the recommendation**

4. Recommendation 2 clearly requires recommendation 1 to be completed before infrastructure managers can begin work on implementing their time bound plans. The responses we have received to date have confirmed that this is the case. ORR therefore awaits completion of recommendation 1 before pursuing this matter further.

**ORR decision**

**Status: We await confirmation from either DfT or RAIB that the guidance ‘Managing the accidental obstruction of the railway by road vehicles’ has been updated at which time we will review the status of recommendation 2.**