

Andrew Eyles
**RAIB Relationship & Recommendations Handling
Manager**
Telephone 020 7282 2026
E-mail andrew.eyles@orr.gsi.gov.uk



16 July 2015

Andrew Herrod
Rail Accident Investigation Branch
The Wharf
Stores Road
Derby
DE21 4BA

Dear Andrew,

RAIB report: Fatal accident at Frampton level crossing

Thank you for providing us with RAIB's final report (published 28 May 2015) into the incident at Frampton level crossing.

We have now had an opportunity to review the report in detail and have formally passed on the recommendations to end implementers for their consideration and action. ORR's review panel did, however, identify a couple of issues that it felt were worth reporting back to RAIB.

The first of these relates to paragraph 62 which reads as follows:

The wording of the signs at Frampton level crossing was compliant with both legal requirements and Network Rail's procedures, but fell short of published 'best practice' (RSSB research project T756) (paragraph 138) (published in November 2014, after the accident at Frampton level crossing), and Wogalter et al (published in 2002), for the reasons described in paragraphs 64 to 71.

ORR's formal consultation comment pointed out that the original drafting of this paragraph was misleading because it implied that no action had been taken as a result of RSSB research project T756, when in fact this report had not been published at the time of the Frampton incident. Whilst the text of the final report has been changed slightly – through the addition of the words *after the accident at Frampton level crossing* – ORR considers that it remains inappropriate because the signs could not be expected to align with a document that did not exist at the time.

Also, whilst T756 identified that some proposed measures were considered to be best practice for the design of new level crossings, it also recognised that it was only feasible to implement them as part of a level crossing design when maintenance or an upgrade is carried out, or if a level crossing has a particular issue identified where it is believed the measure is practicable. T756 also recognised that a number of proposed measures would need to be subject to further research and development work (such as the proposed universal advanced level crossing warning sign) and / or written into legislation before they could be delivered.

Secondly, recommendation 3 of the report has been amended since the consultation version and is now incorrectly addressed to the Office of Rail and Road. Whilst ORR is currently operating under this new name, until revised legislation formally changes our name we are legally operating under the name of the Office of Rail Regulation. Any reports or documents imposing a legal requirement, such as RAIB report, should continue to refer to the Office of Rail Regulation for the time being. We expect the formal name change to be enacted later this year.

Whilst we are content to process recommendation 3, it would be helpful if RAIB could republish the report with the correct organisational name.

I would also be grateful if you could bear this in mind in respect of any imminent reports.

Yours sincerely

Andrew Eyles