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9 June 2014

Ms Carolyn Griffiths
Chief Inspector of Rail Accidents
Cullen House
Berkshire Copse Rd
Aldershot
Hampshire GU11 2HP

Dear Carolyn,

RAIB Report: Fatal accident at Gipsy Lane footpath crossing, Needham Market, Suffolk, 24 August 2011

I write to provide an update¹ on the action being taken in respect of recommendations 1, 2 and 3 addressed to ORR in the above report, published on 18 July 2012.

The annex to this letter provides details of the consideration given/action taken in respect of each recommendation where the status of recommendation 1 is 'Implementation on-going' and for recommendations 2 & 3 the status is 'Implemented'. We do not propose to take any further action in respect of these recommendations unless we become aware that any of the information provided becomes inaccurate, in which case I will write to you again².

We will publish this response on the ORR website on 27 June 2014.

Yours Sincerely,

Chris O'Doherty

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

² In accordance with Regulation 12(2)(c)

Recommendation 1

The intent of this recommendation is for Network Rail to improve the safety of pedestrians at Gipsy Lane crossing.

Network Rail should arrange for the closure of Gipsy Lane footpath crossing.

If Network Rail is not granted permission by the local council to close Gipsy Lane footpath crossing, it should take appropriate risk-reduction measures so that pedestrians have sufficient time to cross safely, and are adequately warned of approaching trains.

Brief Summary on what was previously reported to RAIB on 17 July 2013

Network Rail stated that a firm decision has been made and agreed to by the Council, that an underpass will be installed at Willow Walk to support the permanent closure of Gipsy Lane and Willow Walk level crossings. The scheme has now been fully specified, is with the procurement team and has been put out to tender.

The scheme is due to be implemented by the end of March 2014. However, until the contractors have returned their tenders (including details of construction methodology) Network Rail is not able to commit to any more detailed timescales.

Update

1. Network Rail has been in discussion with Suffolk County Council. The Council asserting that that a ramped footbridge or underpass should be installed to meet requirements in the Equality Act 2010. However, houses would need to be demolished to accommodate either of these solutions.
2. On 3 April 2014 Network Rail stated that: *Option selection did not identify any steps-free solutions for closure of the crossing, which was a requirement stipulated by the County Council. It has been decided to progress with a stepped footbridge. Reaching this outcome has delayed the scheme by approximately 6 months. The contract has now been let for the bridge's construction. (Completion date: 30 November 2014)*
3. *The 50mph Temporary Speed Restriction (TSR) continues to provide the required sighting for level crossing users.*

ORR Decision

4. After reviewing all the information received 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.

Status: *Implementation on-going.*

Recommendation 2

The intent of this recommendation is for Network Rail to improve the accuracy and consistency of data collected at level crossings during site visits and make certain that any changes to previous data are fully understood.

Network Rail should have effective systems in place for accurate information gathering during data collection visits at level crossings.

Any changes from previous data collected should be clearly understood and feedback given to the relevant person where data is incorrect.

This includes data relating to:

- the number of crossing users where the quick census is undertaken;
- the use of whistle board protected crossings during the night-time quiet period;
- use of the crossing by vulnerable users;
- location of whistle boards;
- crossing length;
- traverse distance; and
- distance from each crossing gate and decision point to the nearest rail.

Brief Summary on what was previously reported to RAIB on 27 January 2014

The process and technological changes to improve the accuracy of data collection include;

- *a new organisation,*
- *improved training,*
- *stakeholder engagement,*
- *mentoring and new guidance,*
- *Technology changes to improve accuracy of data include;*
 - *new reporting, system integration,*
 - *census innovation,*
 - *data collection apps,*
 - *system changes with mandated fields,*
 - *a new customer relationship management system; and*
 - *the introduction of narrative risk assessments [Currently being trialled].*

The development of the ALCRM Assessment History Report will allow users of ALCRM to compare key info available and to compare the data from previous ALCRM assessment with the one being completed. This was previously very difficult to do because of the way the data was presented. However, this was not yet live as data cleansing was required to ensure that the data is of an acceptable quality. Network Rail expected that that the report would go live end of January / early February [2014].

Update

5. On 19 February 2014 Network Rail stated it was having difficulty in producing the ALCRM Assessment History Report due to spurious processing of the data. However, on 24 April 2014, Network Rail stated that the project was now complete and the reports were running.

ORR Decision

6. After reviewing all the information received 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. ORR will write to RAIB again if it becomes aware that the information above is inaccurate.

Recommendation 3

The intent of this recommendation is for Network Rail to develop guidance for use by the level crossing teams on the circumstances under which short-term mitigation measures are to be implemented at level crossings that have insufficient sighting or warning of approaching trains.

Network Rail should develop its guidance for use by level crossing teams to include:

- A clear definition of what constitutes a 'higher than usual' number of vulnerable users;
- Implementing risk-reduction measures at crossings that have deficient sighting or warning times; and
- When speed restrictions must be imposed, what type of speed restriction is to be used (emergency, temporary or permanent) and the timescales for imposing speed restrictions.

Brief Summary on what was previously reported to RAIB on 27 January 2014

Network Rail's National Level Crossing Team was in the process of developing a long term vision which will move Network Rail away from:

- Decision points; and
- Having separate timings for vulnerable users and non-vulnerable users.

Network Rail also issued interim guidance on vulnerable users. However, ORR was challenging Network Rail on its interim 'formula' to be applied to the number of vulnerable users at census that should trigger an increased traverse time.

Update

7. On 20 December 2013 ORR wrote to Network Rail seeking:

- Clarity on what a 50% safeguard means and what is required to be done.
- An expected timescale to conclude remaining actions, or some clarity on progress regarding:
 - The National Level Crossing Team is engaged with human factors specialists. Part of their remit is to look specifically at what constitutes a 'higher than usual' number of vulnerable users.
 - Guidance being produced as part of project (RM05) Interim Risk Mitigation.
 - Work underway with RSSB to consider including speed restrictions as a mitigation measure in the Level Crossing Risk Management Toolkit (LXRMTK).

8. On 8 January 2014 Network Rail stated that: *Network Rail is considering moving away from applying additional traverse time for vulnerable users, and introducing a single traverse for a greater proportion of society.*

The interim guidance issued is designed to help the Route teams understand when to apply the additional 50% traverse time safeguard at locations which have higher

levels of usage by vulnerable people. It effectively helps Route teams to decide what constitutes “higher than average” levels of usage by vulnerable people.

The National Level Crossing Team has engaged with human factors specialists and guidance was issued to the Route teams in 2012 [LCRMIP-RM05 Level Crossing Guidance document, Managing Interim Risk at Level Crossings].

Network Rail has also described what user groups constitute “vulnerable” people to further aid consistency of application in this area of risk assessment.

Vulnerable users can include³:

- People with physical and / or mental disabilities or other impairments
- Young children – unaccompanied or in groups
- Elderly people
- Dog walkers
- Cyclists
- People carrying heavy bags or large objects, with pushchairs etc.
- Non-English language speakers, e.g. migrant workers

Network Rail does not intend to outline the process of calculating sighting distance at passive crossings as this already exists in guidance/processes [e.g. NR/L2/SIG/19608 Level Crossing Infrastructure Inspection and Maintenance] and the Route teams are well versed in using traverse times to calculate required sighting distances at passive crossings.

‘Speed restriction’ is now shown on the Level Crossing Risk Management Toolkit (LXRMTK) as a recognised mitigation for deficient sighting at passive crossings.

ID 120: Mitigation Measure: Speed restrictions (Emergency, Temporary, Permanent): Speed restrictions provide an effective means of reducing the potential for and consequences of collisions at level crossings. Emergency (ESR) and Temporary (TSR) speed restrictions provide short term means of controlling risk at locations where deficient sighting or blocking back is identified. A Permanent Speed Restriction (PSR) should be considered as a long term mitigation measure where risks cannot be controlled by other means.⁴

On 3 February 2013 Network Rail Provided ORR with a copy of its ‘Closure Statement’ stating that:

The RAIB investigation into a fatal accident at Gypsy Lane footpath crossing identified inconsistencies in the application of the additional 50% safeguard to traverse time for vulnerable users. The investigation report made a recommendation for Network Rail to develop guidance on determining a ‘higher than usual’ number of vulnerable users.

Guidance has been developed to help identify when to apply the additional 50% safeguard to the traverse time for vulnerable users. The guidance is intended to improve consistency of its application nationally.

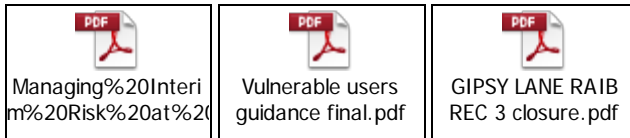
The guidance includes a definition of vulnerable users, factors that contribute to user vulnerability and vulnerable user types. It also provides advice to help reach a decision on the application of the 50% safeguard.

³ Extract from Network Rail’s *Vulnerable user guidance*

⁴ Extract from Network Rail’s *Level Crossing Risk Management Tool Kit*

Network Rail provided copies of:

- LCRMIP - RM05: Managing interim risk at level crossings (Issue 1);
- Vulnerable user guidance; and
- Recommendation Owners' Form: Fatal accident at Gipsy Lane footpath crossing, Needham Market, Suffolk



9. On 1 July 2013, to address the 3rd bullet point of the recommendation, Network Rail stated:

Implementation of a speed is one of various mitigations that can be implemented within very short timescales, if a deficiency is identified at a Level Crossing. In the Anglia Route we have identified the requirement to move quickly on identification of a risk and for this process not to be dependent on a single manager (who may not be available) to make the decision. We therefore are agreeing a process where should a deficiency be identified a telephone conference will be convened (ideally within 1hr) with necessary managers or representatives with delegated authority. This team can then look at which mitigating measures are appropriate and implement immediately.

The same process would apply both in and out of office hours and we have a suitable on call structure which would support the arrangement.

Network Rail believes this removes the risk of managers being away or in meetings and enables an informed decision to be taken giving consideration to the suite of available mitigations.

10. ORR has confirmed that the Network Rail level crossing risk management regime includes telephone conferencing between the Level Crossing Managers and those authorised to impose speed restrictions, before the LCM leaves the site.

ORR Decision

11. The outcome of ORR's challenge regarding the interim formula to be applied to the number of vulnerable users is that ORR is satisfied that this is based in Network Rail's professional judgment with the input of Human Factors specialists, the best source at the time of writing, in the absence of any other known guidance or studies.

12. After reviewing all the information received from Network Rail, ORR 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.

13. **Status: Implemented.** ORR will write to RAIB again if it becomes aware that the information above is inaccurate.