

**Chris O'Doherty**  
**RAIB Relationship and Recommendation Handling**  
**Manager**

Telephone: 020 7282 3752

E-mail: [chris.o'doherty@orr.gsi.gov.uk](mailto:chris.o'doherty@orr.gsi.gov.uk)

28 October 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 Mexico footpath crossing (near Penzance), 3 October 2011**

I write to provide an update<sup>1</sup> on the action being taken in respect of recommendation 5 addressed to ORR in the above report, published on 20 June 2012.

The annex to this letter provides details of the action being taken:

- The status of recommendation 5 is 'In-progress'. ORR will update RAIB by 31 January 2015.

We will publish this response on the ORR website on 14 November 2014.

Yours Sincerely,

Chris O'Doherty

---

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

## **Recommendation 5**

*The intent of this recommendation is for Network Rail to conduct a network-wide project to optimise warnings for pedestrians at level crossings equipped with whistle boards, taking account of emerging technology and the ability to generate local warnings audibly or visually.*

Network Rail should conduct a review of the arrangements for providing warnings for pedestrians at level crossings currently equipped with whistle boards. The review should address:

- a. the costs and benefits at each crossing of providing audible or visual warnings at the crossing itself rather than by approaching trains (taking account of the possibility of the significantly reduced costs of visual warnings); and
- b. at crossings where whistle boards will remain, whether the position of the board at each crossing has been optimised taking account of all relevant local factors including (but not limited to) prevailing wind, local topography, sources of noise and the traverse time for crossing users and the positive and negative effects on railway neighbours.

### **Brief Summary on what was previously reported to RAIB on 19 November 2013**

1. Network Rail provided a progress update stating that:

***Phase 1 – Technology Development:*** *Five suppliers had been selected. And a project team was on-board with investment having been sourced in November 2013 to progress to trials. The target approval date for all technologies that have entered the product acceptance process with Network Rail is by March 2014.*

***Phase 2 – Whistle-Board Landscape and Effectiveness as Mitigation:*** *Approximately 47% of crossings with whistle boards appear, according to the data, to be non-compliant nationally. Network Rail expected to have detailed site by site action plans by 31 December [2013] for non-compliant sites.*

#### ***Phase 3 - Works delivery and implementation.***

*Network Rail expected to be able to confirm timescales for implementation and delivery once action plans became available on 31 December [2013] – update mid-January 2014.*

*Network Rail anticipated product acceptance for new technology solutions by March 2014. At this point, the Routes would be responsible for developing business cases for individual sites and delivering those where it is reasonably practicable.*

## **Update**

2. On 29 May 2014, Network Rail advised a timescale extension to 30 November 2014:

*All elements of the recommendation relating to Network Rail conducting a review of the arrangements for providing warnings for pedestrians at level crossings currently equipped with whistle boards have been completed. However, the assessment of whistle board effectiveness has highlighted the need for additional works including whistle board replacement with train detection and on site warning system.*

*From responses received from the Routes to date [652 crossings], an indication of the numbers of sites affected is:*

- *60 sites – move whistle boards to optimise their position*
- *41 sites – replace whistle boards with another form of warning*
- *69 sites – sighting is compliant, whistle boards can be removed*

*Completion of these additional works will involve long term activity (this is linked to other long term activity to rectify legacy issues at passive crossings), potentially not being completed until later control periods. Discussions have taken place with ORR concerning our joint long term aspirations to address legacy issues at passive level crossings. The ORR has raised the need for Network Rail to have a joined up long term strategy for these issues. The extension request is designed to allow Network Rail to define the strategy and begin implementation. Once it has been consulted and agreed the ORR has indicated that it will be willing to accept closure of this and other related recommendations. Network Rail will then report progress in implementing the strategy which will be tracked via regular liaison with ORR.*

*Revised planned completion date: 30 November 2014.*

### **ORR Decision**

3. Network Rail has given ORR an assurance that where any whistle-board was not in the appropriate place to provide adequate sighting a speed restriction or other mitigations have been imposed to achieve the necessary warning times. The speed restrictions will remain in force until the whistle boards are either moved to the optimum position or active warning systems are commissioned at the crossing.

4. The Network Rail passive crossings strategy remains under development and will identify timescales for the commissioning of active warning systems at passive crossings over a number of control periods.

5. An ORR inspection programme will be undertaken to confirm the accuracy of the Whistle Board data presented by Routes and to inspect a selection of crossings to ensure there is adequate time to cross safely. ORR will also be monitoring Network Rail as it develops its crossing strategy to identify how and when active warning systems will be commissioned at passive crossings (including whistle board crossings) over the coming control periods.

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
- is taking action to implement it. (*Completion date: 30 November 2014*)
- 

**Status: In-progress.** ORR will update RAIB by 31 January 2015.