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Mr Andrew Hall  
Deputy Chief Inspector of Rail Accidents  
Cullen House  
Berkshire Copse Rd  
Aldershot  
Hampshire GU11 2HP

Dear Andrew,

**RAIB Report: Serious operational irregularity at Bagillt user worked crossing, Flintshire, involving an abnormally heavy road vehicle on 17 August 2018**

I write to report<sup>1</sup> on the consideration given and action taken in respect of the recommendation addressed to ORR in the above report, published on 15 August 2019.

The annex to this letter provides details of actions taken in response to the recommendation and the status decided by ORR. The status of recommendation 1 is **'Implementation on-going'**.

ORR will advise RAIB when further information is available regarding actions being taken to address this recommendation.

We will publish this response on the ORR website on 7 August 2020.

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

## Initial consideration by ORR

1. The recommendation was addressed to ORR when the report was published on 15 August 2019.
2. After considering the recommendation ORR passed it to Network Rail asking them to consider and where appropriate act upon it and advise ORR of its conclusions. The consideration given to the recommendation is included below.
3. This annex identifies the correspondence with end implementers on which ORR's decision has been based.

## Recommendation 1

*The intent of this recommendation is to ensure that Network Rail has a coherent and consistent process for managing the risks associated with large, low or slow-moving vehicles at user worked crossings with telephones.*

Network Rail should, if necessary assisted by RSSB, carry out a review of the way that it manages the risk of large, low and/or slow-moving road vehicle movements across user worked crossings that are equipped with telephones (UWC-T). This review should include consideration of:

- information that should be collected at crossings, and from authorised users, as part of Network Rail's risk management process, including:
  - the crossing layout and other features likely to affect user crossing times; and
  - the types of vehicle likely to use the crossing and the frequency of this use;
- how information collected at crossings should be communicated to signallers;
- the types and characteristics of vehicles which necessitate signal protection;
- the means by which signallers can obtain sufficient detail of vehicle characteristics and likely crossing time to make an informed decision about whether it is safe for the vehicle to cross, and whether signal protection is required; and
- the information and instructions provided to users to help them judge whether their vehicle is 'large, low or slow-moving', and to give them a clear method of communicating this to the signaller.

The findings of this review should be used to prepare a coordinated and time bound plan to implement improvements, including any necessary changes to standards and the Rule Book, revised training and guidance for signallers, and revised information and instructions to users. These improvements should seek to increase safety at UWC-T crossings, whilst also recognising the need to minimise unnecessary delays to crossing users

## ORR decision

4. Network Rail have planned a programme of work aimed at reducing the risk of large or slow moving vehicles having insufficient time to traverse user worked level crossings with telephones (UWC-T). Any changes to the current prompt cards will be communicated to signallers through the standard briefing process.

5. Since the Action plan was originally submitted by Network Rail in February 2020, we have been notified that the 31 July 2020 deadline for work to update NR/L2/OPS/100 standard and the review of the current definition of what is a large low or slow-moving vehicle with DfT has been delayed, due to workload reprioritisation and the impact of COVID-19. The 31 March 2021 completion date remains valid, until the extent of the signage installation plan is confirmed

6. 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 implement it by 31 March 2021.

**Status: Implementation ongoing. ORR will advise RAIB when actions to address this recommendation have been completed.**

## Information in support of ORR decision

7. On 8 February 2020 Network Rail provided the following initial response:

### **Action Plan**

*The work to complete the recommendation on Network Rail following the Bagilt near miss will be split up into 4 constituent parts.*

1. *Part one will address the following bullet points from the recommendation:*
  - *Information that should be collected at crossings, and from authorised users, as part of Network Rail's risk management process, including:*
    - o *The crossing layout and other features likely to affect user crossing times; and*
    - o *The types of vehicles likely to use the crossing and the frequency of this use;*
  - *How information collected at crossings should be communicated to the signallers*

*We will address this through the work to update NR/L2/OPS/100 which is looking to refresh the level crossing risk assessment standard and process.*

*This work is in line with Hockham Road A9.1 action plan. **Due date 31 July 2020***

2. *Part two will address the following bullet point:*
  - *The types and characteristics of vehicles which necessitate signal protection*

*We will address this by reviewing the current understanding of what a Large Low or Slow-moving vehicle. This will be done in collaboration with the DfT's Traffic and Technology Division.*

*This part will be completed by **31 July 2020***

*3. Part three will address the following bullet point:*

- The means by which signallers can obtain sufficient detail of the vehicle characteristics and likely crossing time to make an informed decision about whether it is safe for the vehicle to cross, and whether signal protection is required*

*This will be addressed through a review of the current prompt card currently in use by signallers (as highlighted by the report) in the first instance. The review will primarily look at whether wording can change to help engage both the user and the signaller into the same way of thinking.*

*If changes are necessary, then these changes will be briefed through the standard signallers briefing process.*

*Taking into account briefing time it is expected that this will part of the action will be completed **31 March 2021**. This will allow for all signallers to have gone through there mandatory training at least 2 to ensure no gaps in signaller training has occurred.*

*Date to complete **31 March 2021**.*

*4. Part 4 will address the following bullet point:*

- The information and instructions provided to users to help them judge whether their vehicle is 'large, low or slow moving', and to give them a clear method of communication this to the signaller*

*This will be addressed as follows part of the current work to update the signage for the Private Crossings (Signs and Barriers Regulations) the head of level crossings will review with the DfT the use of signage denote the specific size and weight of the vehicles that are required to call the signaller as is highlighted in the Transport Signs Regulations and General Directions 2015 Diagram 784.1*

*The head of level crossings will review with the DfT transport and technology division what the definition of Low should be and add it to the already agreed definitions for Large and Slow. This will then require adding into legislation either as part of an update to the Statutory Instrument or as an amendment to them. This is still to be completed, but will be agreed by **30 June 2020**.*

*In the interim Network Rail will inform all 'authorised users' of UWC(t)s of the updated definitions of large, low and slow by **31 December 2020**.*

***However the possible need to change signage at our UWCT estate requires us to push the completion date to a later date so it is proposed that 31 March***

**2021 is used as an interim date until the signage installation plan is confirmed if required.**

8. On 20 July 2020 Network Rail provided the following update:

*Level Crossings have provided the following update:*

*Part 2*

*This element of the plan is slightly behind anticipated timescales. Whilst engagement with DfT has commenced and remains ongoing, the COVID-19 pandemic has stretched resourcing within NR and DfT. Workload prioritisation has been an essential move to manage effort during this time and there has been a concerted focus on other recommendations such as Tibberton (fog) and additional DfT requirements including legislation to support new signage for passive crossing.*

*Part 3*

*Signallers are removed from duties and briefed on good practice, rules changes, incident shared knowledge etc as part of 13 week briefing cycles. Any changes will be part of this briefing cycle. This assures cascading and rollout*