

Prosecution



Summary

On 04/09/18 an employee suffered life changing injuries, including the amputation of his right arm, when a freight train collided with the petrol buggy he was driving on a level crossing at Dollands Moor Freight Yard where he was employed as an Operations Supervisor.

There was a material risk of collision between people (both in vehicles and on foot) and trains within the yard but subways that had been built specifically to accommodate certain vehicles and pedestrians and which were used to alleviate that risk had fallen out of use. The level crossings were not designed to be routinely used by vehicles moving around the yard but this had become normal practice by the time of the incident. On the night of the incident the IP's buggy was struck by a freight train and pushed for 102m causing the injuries described. It also caught fire and destroyed the cab of the freight train although the train Driver was able to escape unhurt. There was no safe system of work in place at the yard.

Company

DB Cargo (UK) Limited

Breaches involved

1. Section 2(1) Health and Safety at Work etc. Act 1974

Date(s) of offence

On and before 04/09/18

Plea

Guilty

Result

DB Cargo (UK) Limited were convicted of an offence under Section 2(1) Health and Safety at Work etc. Act 1974

Court

Folkestone Magistrates' Court

Sentencing date

22nd March 2021

Penalty

£200,000

(large company – sentenced in Medium/Harm Category 3 range)

Costs

£33,768.61

Location of offence

Address: Dollands Moor Freight Yard

ORR details

ORR Team

ORR Directorate: Railway Safety Directorate