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

Dear Andrew,

Fatal accident at Alice Holt footpath crossing, Hampshire, 5 October 2016

I write to report¹ on the consideration given and action taken in respect of the recommendation addressed to ORR in the above report, published on 26 October 2017.

The annex to this letter provides details in respect of the recommendation, the status of which is **'implementation on-going'**.

We will publish this response on the ORR website on 24 October 2018.

Yours sincerely,

Oliver Stewart

¹ 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 26 October 2017.
2. After considering the recommendation, ORR passed both it to Network Rail asking them to consider and where appropriate act upon the recommendation 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 appropriate action is taken where necessary to take account of mobility scooter use of passive level crossings. Modification of all crossings is not required as Network Rail's legal duty to make modifications is limited to circumstances when it is reasonably practicable to do so. It is expected that Network Rail will take account of principles identified by recent research when modifying crossings.

Using the modifications already implemented at Alice Holt footpath crossing as an example, Network Rail should review and, where necessary, modify their management processes for passive level crossings to take account of use by people on mobility scooters in addition to other users. The review should include consideration of the following:

- The size, speed and turning characteristics of mobility scooters.
- The position of users' heads relative to ground level and relative to the front, back and sides of mobility scooters.
- The increasing use of mobility scooters.
- How risk assessments at individual level crossings consider:
 - the likelihood of use by people on mobility scooters; and
 - whether it is both necessary and reasonably practicable to improve crossing arrangements (eg providing areas where scooter users can safely decide when to cross, improving sight lines and providing visual/tactile prompts encouraging safe use).
- Educating mobility scooter users about how to cross the railway safely. Methods to be considered should include targeted advertising, working with appropriate interest groups and use of both social media and websites. Content should be compatible with risk assessment output (eg advertising any need to turn perpendicular to the railway before deciding whether to cross).

ORR decision

4. Network Rail has provided new guidance material for level crossing managers that takes into account users of mobility scooters. Network Rail has a programme of awareness campaigns that target specific user groups of level crossings.

5. 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 30 November 2018

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

Information in support of ORR decision

6. On 19 September 2018 Network Rail provided the following initial response to the recommendation.

Network Rail will address the first four bullet points of this recommendation through the provision of new guidance material. The guidance will target improved awareness of mobility scooter use at level crossings and will signpost practical steps that can be taken by level crossing managers to identify usage and make provision to improve layouts where it is reasonably practicable to do so.

Guidance will be developed centrally by subject matter experts within the STE technical authority and will be consulted with Routes prior to implementation. Routes will be required to confirm that the guidance has been briefed to level crossing managers and demonstrate this through signed papers. Assurance will be evidenced through Route based narrative risk assessment self-assurance.

The guidance will be incorporated within the existing suite of level crossing guidance material which forms part of business as usual activity. The content will be applied as part of the core risk assessment process going forward, with the structured expert judgement of level crossing managers applied to determine what, if any, action is required. This is consistent with the broader administration of the level crossing risk management process. Actions arising might include layout changes or removal of items of obscuration which may mask train approaches.

The safety education and awareness campaign which launched on the day of the fatality at Alice Holt, is an example of how Network Rail already communicates with specific user groups. This approach will continue within future campaigns which target pedestrian safety.

Timescale: 30/11/2018