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15th January 2018

Your Ref: 42025-2017

Dear Sir

Regulation 28 Report – Harminder Dhillon (Deceased)

I refer to your report dated 6 November 2017 made under paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013 in relation to the inquest into the very sad death of Harminder Dhillon. Harminder died on 3 January 2017 after driving his motor vehicle around the half barrier, which was in the down position, at Marston Level Crossing, Marston Road, Marstone Moretaine in Bedfordshire.

Background

As noted in your report, the conclusion of the inquest was that Harminder Dhillon died on the 3 January 2017 as a result of injuries sustained when his motor vehicle collided with a train after having driven his vehicle around the half barrier at the level crossing and in circumstances where the crossing was functioning appropriately.

Response to matters of concern

In your report, you raise three matters of concern, which I deal with below:

1. **"The level crossing is not monitored by CCTV and it is likely that the crossing is misused more than is reported"**

Currently, in the level crossing environment, CCTV equipment is generally deployed as an operational aid rather than for security/monitoring purposes. However, where deliberate misuse is a particular issue, then Network Rail does install cameras and recording equipment to investigate and if necessary support the introduction of additional safety measures.

2. **"The half barrier is not a deterrent to a road user who believes that their journey is being held up more than is necessary"**

The red road traffic lights provided at Automatic Half Barrier Crossings (AHBC) have specific legal authority: no vehicle is permitted to cross them under any circumstances. Driving onto a closed level crossing not only endangers the occupants of the road vehicle but also puts potentially hundreds of train users at risk. In addition to the red road traffic lights, Network Rail also provides half barriers, road signage and audible alarms which vary in tone should a second train be approaching. The barriers at an AHBC enable vehicles to safely exit so that they are not trapped as trains approach. They therefore discourage but cannot unfortunately prevent deliberate misuse.

Network Rail is constantly striving to improve passenger and level crossing user safety on our network. To this end Network Rail is currently, developing additional enhancements targeting accidental and deliberate misuse at AHBCs.

3. **"A full barrier, which is used on adjacent barriers on the line, would appear to be able to prevent misuse and prevent potential future deaths."**

AHBCs, such as installed at Marston, provide the least disruption to road users with the shortest possible road closure times. Even where other designs are used with full barriers, Network Rail still sees examples of deliberate misuse. Our risk assessment process takes account of all local factors in determining the most appropriate level crossing design and seeks opportunities to provide safer ways across the railway.

Marston level crossing is scheduled to be replaced by a vehicular road bridge in 2019; this will eliminate the need for vehicles to traverse the crossing.

I hope this response answers your concerns but if I can be of further assistance, or if you would like further clarification, please do not hesitate to contact me.
Finally, on behalf of all at Network Rail, I would like to take this opportunity to express my sincere condolences to the family of Mr Dhillon.

Yours faithfully

[redacted]

[redacted]
Route Managing Director
London North Western