

Mrs Katy Skerrett
H M Senior Coroner for Gloucestershire
Gloucestershire Coroner's Court
Corinium Avenue
Barnwood
Gloucester
GL4 3DJ

Network Rail
Western House
1 Holbrook Way
Swindon
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19 August 2019

Dear Madam

Regulation 28 Report following the inquest touching the death of Mr Colin Duncan Whistler Cameron

On behalf of Network Rail, I write to thank you for your Regulation 28 report dated 26th June 2019 and to respond to the concerns raised.

Your report concerns the death of Mr Colin Duncan Whistler Cameron who sadly died when he was struck by a train at Frampton level crossing on 7th February 2017. I hope that my response addresses the concerns raised as follows:

1. Whether sufficient consideration has been given to address the absence of any instructions to signallers on how to extract information from the user; and,
2. Whether the relevant authorities and persons authorised to use this crossing have given sufficient consideration to whether this crossing can be closed.

This first concern refers to there being an absence of any instructions to signallers on how to extract information from a level crossing user. However, the evidence presented at the Inquest highlighted that instructions are provided to signallers. The Inquest heard evidence that the signaller is required to follow the railway industry Rule Book GE/RT 8000, Module TS9 'Level crossings – signallers' regulations', issue 3 dated 05/12/2015.

Section 2.1 of those regulations applies to user-worked crossings with telephones (UWC+Ts), such as that at Frampton, and in respect of instructions to the signaller states:

When you receive a telephone call from the crossing, you must find out:

- Which crossing the user wants to use
- What is required to pass over the crossing
- How long it will take.

If there is enough time for the crossing to be used before the next train passes over it, you must, except as shown in regulation 2.1.24, tell the user to use the crossing immediately. If there is not enough time, you must tell the user to wait and telephone again.

This method of working is straightforward and has been in place and safely used for many years. It provides the signaller with the information they require to make a decision on whether it is safe to cross.

The Inquest also heard evidence that the signaller receives local training on the signal box they operate, and this includes information on each crossing on a line of route. The instructions cover all additional or amended specific methods of working for each crossing, and provide the signaller with the local information to assist them to make decisions on whether or not it is safe to cross.

Signalling locations are also issued with UWC+T 'prompt cards' which also outline the requirement for the signaller to identify the level crossing the user wants to use, what the user is crossing with and how long this will take.

The signaller training focuses on technical skills, but is also heavily focused on non-technical skills. Some of the most relevant non-technical skills include planning & decision Making, communications, multi-tasking, relationships with people and attention management.

The signaller training and ongoing capability management focuses on the delivery of safety critical communications. Network Rail has adopted the industry best practice safety critical communications training (produced by the Railway Safety & Standards Board) into the initial signaller training and ongoing operational development days. This training, together with the non-technical skills, provides the signaller with the tools and capability to gather the information required to make a safe decision.

It is not accepted therefore that there is an absence of instruction to signallers on how to extract information from the user and it is not accepted that the signaller failed to extract relevant information from the user on this occasion. It is deeply regretted that the information provided by the user on this occasion was inaccurate.

With regard to the second concern raised, level crossings represent the highest risk on the railway and Network Rail always seeks to close crossings wherever possible. Since 2009 Network Rail has closed 1203 level crossings.

Network Rail does not have unilateral powers to close level crossings as many have public or private rights. Closure of a user-worked crossing such as Frampton requires the consent of the authorised users. Efforts to close Frampton crossing in the past have been unsuccessful.

After making renewed enquiries since the inquest, we believe there to be one authorised user of the vehicular level crossing at Frampton. This individual is under no legal obligation to release their rights and Network Rail cannot compel them to do so. Demands for compensation for the release of these rights must be proportionate and give due consideration to the use of public money.

Network Rail has therefore given considerable consideration to the closure of this and other crossings of its type and would ideally wish to do so if the law and / or the users would permit it.

Since the Inquest, Network Rail has written to the authorised user asking them to consider releasing their rights to the crossing. In so doing it has referred to the concerns raised by the Coroner and offered to discuss reasonable compensation. If agreement is reached with the user, the crossing can and will be closed to vehicles within a relatively short period of time. The crossing would then remain as a public bridleway only as the crossing is also a public right of way.

Network Rail has written to the public rights of way officer at Gloucestershire County Council to consider the feasibility of extinguishing or diverting the bridleway where it crosses the railway. However, there are significant difficulties associated with extinguishing or diverting public rights of way, and any proposal to do so can be subject to a public inquiry. Network Rail can present evidence to support closure at such an inquiry, but the outcome is not one that Network Rail can control.

Notwithstanding these difficulties, Network Rail will do all it reasonably can to remove the vehicular rights at the crossing and, in association with the Council public rights of way officer and with public support, will do all it reasonably can to divert the bridleway so the crossing can be completely closed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Gallop', written in a cursive style.

Mike Gallop
Route Director, Western