

Ms Caroline Topping  
HM Assistant Coroner, for the County of Surrey  
HM Coroner's Court  
Station Approach  
Woking  
Surrey  
GU24 7AD

Network Rail  
Basingstoke Campus  
Gresley Road  
Basingstoke  
Hampshire

9 June 2020

Reference: Regulation 28 report – Jordan Michael Aira

Dear Ms Topping

### **Regulation 28 report – Jordan Michael Aira**

I write in relation to the above Inquest heard on 21<sup>st</sup> February 2020 following the sad death of Jordan Aira on 23 March 2019 near Ashford station. In particular I seek to address the concerns set out in the Regulation 28 report dated 30 March 2020. We are grateful to you for drawing these concerns to our attention.

We have noted your findings that *Jordan Aira was walking home from a party in the early hours of the morning on the 23rd March 2019. He gained access onto the platform of Ashford Station, sat for over an hour on a bench and then walked down an unsecured ramp onto the railway lines. He fell onto the live third rail and was electrocuted.*

This was a very tragic accident as your inquest recorded and our thoughts and deepest sympathies go out to Jordan's family and friends.

Network Rail was not granted Interested Person status and so could not address the Inquest directly. But I understand the evidence led to some concerns about:

1. physical boundaries at the end of the platform preventing members of the public accessing the railway tracks;
2. the emergency telephone located by the railway track;
3. the statutory warning signs not directly warning of the fatality risk if you touch the live rail; and
4. there being no requirement in the national curriculum to teach pupils about the risk posed by the live rail.

Before specifically addressing these concerns, I wish to emphasise that Network Rail and the wider rail industry invest considerable time and effort seeking to prevent

members of the public accessing the infrastructure and to warn of the dangers this poses. Unlike access to other private land, unlawful access to the railway has been a criminal offence since Victorian times.

Network Rail works with railway industry partners including South Western Railway (SWR) and British Transport Police, and other organisations such as local authorities and schools

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to prevent trespass by members of the public. Our extensive campaigns warn of the dangers and target people at risk and high-risk areas referred to as “trespass hotspots”.

In addition to national campaigns using internet, broadcast, print and social media, our safety teams target trespass hotspots and have made significant reductions in the number of trespass incidents. Evidence demonstrates the campaigns make more people aware of the dangers of railway trespass. Our risk assessments identify the appropriate types of fences along the boundary of the 20,000 miles of railway in Great Britain, but certain locations such as stations must by their very nature permit people to access trains.

### **How the railway is managed**

The railway industry involves many companies who collaborate to operate safely. Network Rail owns and operates the rail infrastructure i.e. the track, signalling, bridges, level crossings etc. Other companies operate the trains and most stations. The Rail Safety and Standards Board (RSSB) coordinates standards that apply across the industry.

South Western Railway is responsible for the station at Ashford under a franchise agreement. They are responsible for the signs at the station and applying standards set by the RSSB.

Network Rail is responsible for the infrastructure serving the station, including placing statutory signs warning people that trespass is an offence and determining whether barriers are required at the platform ends. And for applying the relevant standards set by RSSB. Only trained and authorised railway staff are permitted to go off the platform ends.

RSSB has by way of example produced a Rail Industry Standard for Station Infrastructure RIS-7700-INS; Railway Group Standard GI/RT7033 relevant to Lineside Signs; Rail Industry Standard RIS-7016-INS Interface between Station Platforms, Track,

Trains and Buffer Stops and many more which include the requirements for the specification and positioning of safety signs and platform safety features.

Turning now to the specific concerns:

**1. There were no physical boundaries at the end of the platform preventing members of the public accessing the railway tracks.**

As at all other stations, signs at the ends of the platform at Ashford prohibit unauthorised access and warn of the dangers, including of electrocution. But in addition, we target trespass hotspots with additional measures to help further deter unlawful access. The Inquest heard evidence that Ashford station is not such a hotspot making it less of a priority than some of the other 2500 stations for additional safety initiatives and resources.

At most stations the clear signs are sufficient to deter unauthorised access and avoid the risks. Platform ramps enable railway staff to access the track when required and enable passengers to access the station if for example a broken-down train meant they had to be evacuated along the track.

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Ashford was not therefore a priority station for additional barriers. However, as was explained at the Inquest, work to improve that station is planned and will now include extra platform markings and barriers to further deter trespass.

**2. The emergency telephone which may be used by members of the public is located adjacent to the railway track.**

At Ashford there is a "help point" telephone on the station for passengers to speak directly with SWR customer support staff. But the emergency telephone quoted is not for public use. The two railway telephones attached to the signal post are for operational contact with the signaller and electrical control. They are located by the track beyond the platform sign prohibiting public access. That they are in a prohibited area demonstrates they are not intended for public use.

The signal post telephones are intentionally sited where they are required for railway operations and safe use by railway staff. Passengers have the help point available if needed. We therefore do not accept this observation needs to be addressed.

### **3. The warning signs in place which are standard in the rail industry do not in terms warn of the risk of immediate death if you touch the live rail.**

The signs displayed at the station clearly warn of the danger of electrocution and comply with the Railway Group Standard GI/RT 7033. To avoid confusion at different locations, there is safety benefit in consistent and clear signs that meet British Standard ISO 3864 – 1.2011: 'Graphical symbols' and the Health and Safety (Safety Signs and Signals) Regulations 1996.

Network Rail's own company standard NR/L2/ELP/21131 applies the industry and national standards and follows appropriate risk assessments. The signs provided by Network Rail at Ashford remain compliant with those standards.

The signs include a clear direction that passengers must not go onto the track or cross the line; a sign giving the contact number for the Samaritans; and a graphic 'electric bolt' sign with large words stating "Danger do not touch the live rail". Research evidence highlights the benefit of clear and simple communication of risks. Adding additional words would run counter to our professional assessment.

Adding words suggesting a "risk of immediate death" may even increase the risk to anyone with mental health issues and suicidal thoughts. Network Rail is a national and world leader in combatting suicide on the railway and yet last year for every death resulting from railway trespass, there were around 16 suicide deaths.

### **4. There is no requirement in the national curriculum to teach pupils about the risk posed by the live rail.**

Network Rail does not determine the curriculum and we would welcome, and be supportive of, any addition to the curriculum educating young people on the risk posed by accessing

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the railway. However we would like to take this opportunity to highlight the work we do with schools and other organisations to raise awareness of the dangers of accessing the railway, including from electrification risks.

Network Rail works with schools, sport and community partners to educate young people about the dangers. Our schools' partner LearnLive has reached over five million children in the past 18 months alone.

The English Football League (EFL) Trust and StreetGames each help with face-to-face education on railway safety and the dangers associated with trespass. While impacted more recently by the COVID-19 pandemic, their work has continued with social media reaching millions of young people in at-risk groups and locations, especially trespass hotspots.

Other work by the industry with the Scouts Association and the Duke of Edinburgh awards also help share the same railway safety messages.

Underpinning all this work is our social media campaign branded "YouVsTrain" which specifically targets 11-18-year olds. The material used in that campaign and on the YouVsTrain.co.uk website specifically features the dangers from electrification with three dramatic films reconstructing real events. Those films have been seen by many millions of people and have won awards for effective community engagement. Other work with Fun Kids Radio and a book featuring Thomas the Tank Engine target younger age groups.

In just two years this combination of activity has reduced overall trespass incidents by 24% and youth trespass particularly by 32%.

I hope my letter addresses the concerns raised but would be happy to provide further information about our extensive work to deter trespass if that would help.

Yours faithfully



  
Route Director  
Wessex Route