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HEALTH AND SAFETY COMMISSION AND EXECUTIVE

AGRICULTURE INDUSTRY ADVISORY COMMITTEE

Safety at Railway Level Crossings

Summary

1. This paper provides a brief summary of the recent inspection project carried out by HM Railway Inspectorate, part of the Office of Rail Regulation (ORR) focusing on "user worked" level crossings (UWCs), which are the type of level crossing often present on farms to provide access to fields or dwellings. The aim of the project was to reduce deliberate and accidental misuse through analysis, education and enforcement. This paper also outlines proposals for further activity by ORR, Network Rail, AIAC members and other stakeholders.

Background

2. AIAC members were informed of this ongoing ORR project "Improving Safety at User-Worked Crossings" during the report on the 4th Transport Project Group workshop held in November 2007, at which ORR presented a preliminary report. AIAC members asked to be updated when the project was finished. .

3. ORR and Network Rail have liaised closely throughout and Network Rail have developed an action plan based on the findings. Both ORR and Network Rail have asked for an opportunity to make a joint presentation on the project to stakeholders in the industry, rather than make the final report publicly available at this stage. It is therefore proposed to do this at an AIAC Transport Group Workshop being planned for late 2008 (probably in November). This will allow Network Rail to explain the policies and practices they have in place to secure safety at such crossings.

4. ORR's presentation to the November 2007 Transport Group Workshop, "Improving Safety at User-Worked Rail Crossings" is available under the agenda item "Safety at Railway Crossings – Review of Research and Accidents at User Worked Crossings" on the AIAC Transport Group webpage, via the following link http://www.hse.gov.uk/aboutus/hsc/iacs/aiac/transport.htm

5. Level crossings contribute more than a third of the risk of a major train accident on Network Rail infrastructure. Misuse by road vehicle drivers accounts for over 95% of that contribution. Out of a total of around 7600 crossings on the Network Rail system around 4000 are classified as 'User Worked Crossings' (UWC). These are often located on private roads which give access to farms and dwellings, others provide access from one field to another. Their safe operation is dependant on, and the responsibility of, the user, and they carry a disproportionate share of the train accident risk.

6. Near misses at UWC are common especially at harvest time when they are used most intensively, generally by large agricultural machines and tractors. The consequences of a collision between a road vehicle or agricultural machine and a train can be serious, often fatal and are inevitably damaging to the businesses of both the railway and the crossing user.

7. Analysis of UWC use indicates that a high proportion of use occurs in the course of a business user conducting their undertaking. As such, duties under the Health & Safety at Work etc. Act 1974 and relevant Regulations are likely to apply, including the requirements for employers of users, and self-employed users to assess risk and have safe systems of work for using crossings.

ORR/HMRI Project

8. Following a series of pilot inspections in north Wales at the end of 2006-07 (reported at the Workshop in November 2007), ORR developed a project aimed at driving down the incidence of misuse at UWC. This utilised a mix of education, analysis and enforcement. It involved inspection of more than 30 crossings; discussions with around 70 authorised and other users including individuals, small businesses and corporate bodies; reviews with local Network Rail staff; contact with the British Transport Police (BTP), stakeholders and user representatives; presentations and distribution of guidance; investigation of selected incidents; and formal enforcement.

9. All users whose use of a crossing formed part of a business undertaking were advised to develop safe systems of work for the use of crossings, proportionate to their scale of use. For larger organisations that typically use crossings as 'invitees' or 'Corporate Users' rather than as authorised users (e.g. Royal Mail, utilities, refuse collection, the Environment Agency, together with suppliers of fuel, feeds, produce & other deliveries and collections associated with agricultural activities), ORR provided information and advice on the risks and safe systems for using UWCs. This was done to assist with recognition of the issues, assessment of the risk and the development and adoption of formal arrangements in each company's wider safety management system (SMS) with respect to crossing use.

10. It was found that there have been considerable changes in the level and nature of UWC use in some areas, particularly as a result of developing leisure activities. The marked trend towards the sub division of land, contract farming and short term tenancy agreements in agriculture has resulted in an increase in the number of users at some crossings.

11. On the other hand, a considerable number of crossings are no longer used and ~20% of authorised users interviewed stated that there may be possible scope for closure of their crossing(s), which would be in line with NR policy. There appears to be considerable opportunity for rationalising crossing use at some locations where multiple crossings are being operated by a single business. In some instances, this could be encouraged by improving access and design of selected crossings. This latter point is important, given the increasing size of agricultural plant and machinery.

12. Whilst maintenance of the physical controls of crossings was generally good, maintenance was an issue in some areas, some of this could be attributed to weak communication with users about the actual use of the crossing. A number of users raised vegetation as an issue, affecting visibility along the line.

13. The majority of users visited (approx 70) demonstrated a high level of risk awareness and responsibility in their attitude to crossing use. A number of users seen were employers, with use of the crossing forming part of their business undertaking. Considerable time was spent offering advice and guidance to this category of user in an attempt to stimulate consideration of the risks associated with crossing use. Clear communication between the user and signaller is obviously vital. AIAC members have previously raised the issue over potential confusion when the users first language is not English.

15. During the project, ORR investigated or reviewed the circumstances of a number of near misses and collisions across the Network Rail system. Some investigations are ongoing. A small number of users were visited following collisions or near misses. Where these users were employers a detailed examination of the arrangements put in place to provide a safe system of work at the location was undertaken. Where it was established that these were significantly sub-standard appropriate enforcement notices were issued and in one case a prosecution report was prepared. In all cases either verbal or written advice was given to authorised users, their tenants and any other actual user identified.

Stakeholder Engagement and Publicity

16. Prior to starting the main project a number of key stakeholder briefings were held to ensure that they had an opportunity to comment and provide input into it. In addition to Network Rail and BTP, ORR worked closely with HSE's Agriculture & Food Sector and NFU Risk Management Services Ltd in developing and delivering the project. In particular the AIAC's Transport Group 4th workshop provided a useful forum as it included representatives from DfT, NFU, trades unions, suppliers and others. ORR also briefed various power distribution contractors and farm equipment suppliers, a farm machinery ring, DfT, Environment Agency, Forestry Commission; and other businesses in the areas where the project visits were carried out. ORR reported full co-operation was received from all stakeholders contacted.

17. HSE were instrumental in distributing both the ORR user guidance (also translated into Welsh) and Network Rail's instructions at the Royal Show

in Stoneleigh and the Royal Welsh show in Builth Wells. A Machinery Ring also agreed to distribute the guidance at the Great Yorkshire Show. The ORR team was invited to give a presentation to a forum on UWCs for the industry organised by the Institute of Engineering and Technology, on 30 January 2008. This was attended by the NFU.

18. The stakeholder briefing produced by the ORR team was slightly adapted and published on the IOSH website. Network Rail has routinely sent publicity material to authorised users, including material from the 'Don't Run the Risk' level crossing safety campaign. This topic has also previously been publicised in articles in the farming press, e.g. Farmers Weekly.

19. The NFU's Health and Safety Advisor visited a number of farmers to assess the issues and developed its own complementary strategy for promoting the safe use of UWC throughout the industry and produced an article outlining basic precautions for farmers (and other UWC users). This was printed in British Farmer and Grower in March 2008 and is now available on the AIAC Transport Group webpage, at
http://www.hse.gov.uk/aboutus/hsc/iacs/aiac/transport/nfuarticle.pdf

Conclusions

20. The findings and recommendations arising from the project are being discussed with Network Rail and others. They will inform future work by HMRI and Network Rail. Both wish to engage with stakeholders and have agreed to give a presentation to the AIAC Transport Project Group.

Action (for AIAC Members)

21. AIAC members are invited to:

a) note the information in this paper;

b) discuss and offer comment on how to communicate relevant messages effectively within the industry, and

c) endorse the proposal to hold a AIAC Transport Group Workshop be held late in 2008 (probably November). The theme suggested for this (the 5th) Workshop is "Plan your route". It is intended to cover other inter-related transport topics, including avoidance of contact with overhead power lines, reducing exposure to whole-body vibration and road safety issues, aiming to reduce the risks to operators and other road users.

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